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THE

BAR





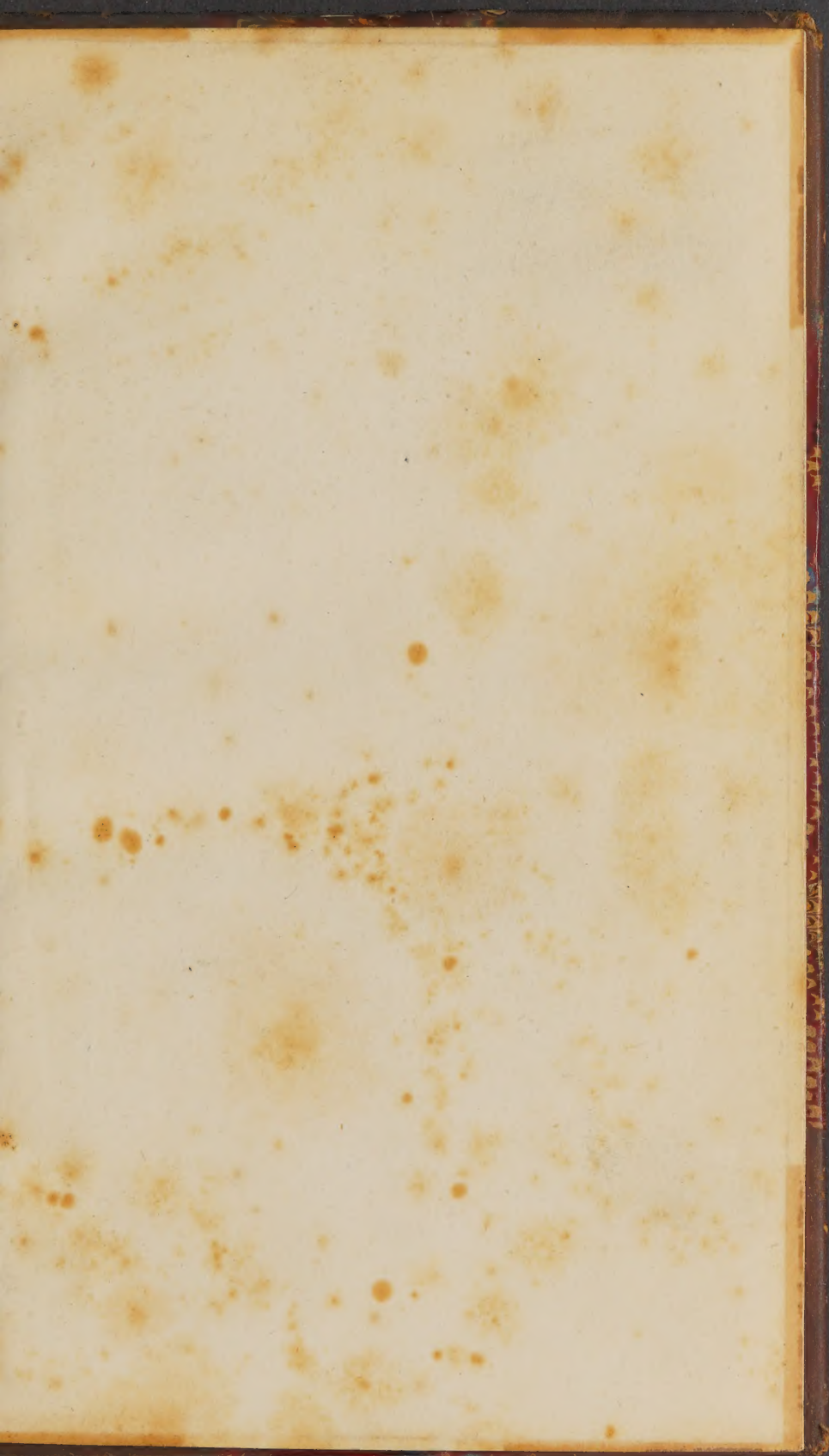


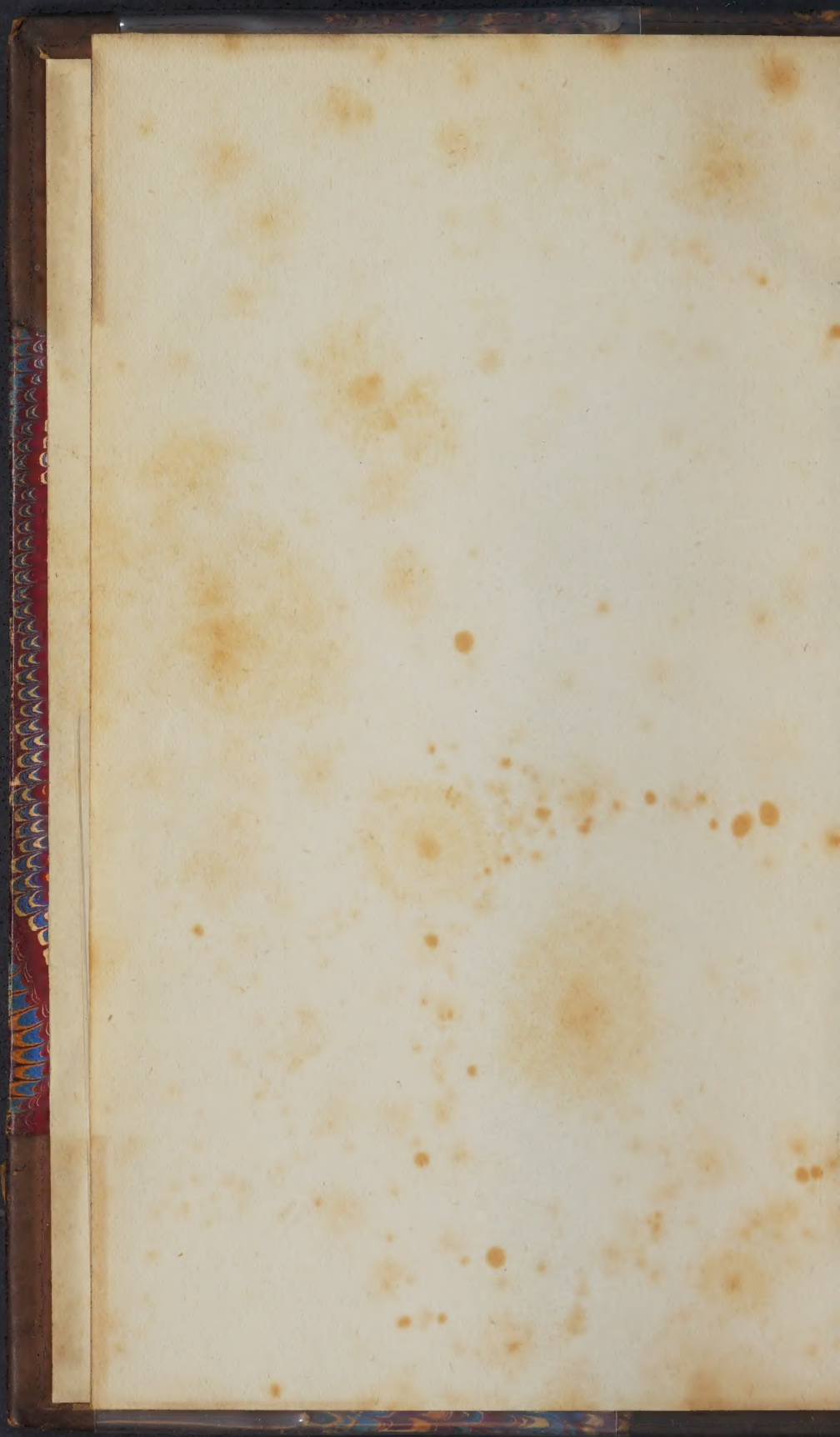
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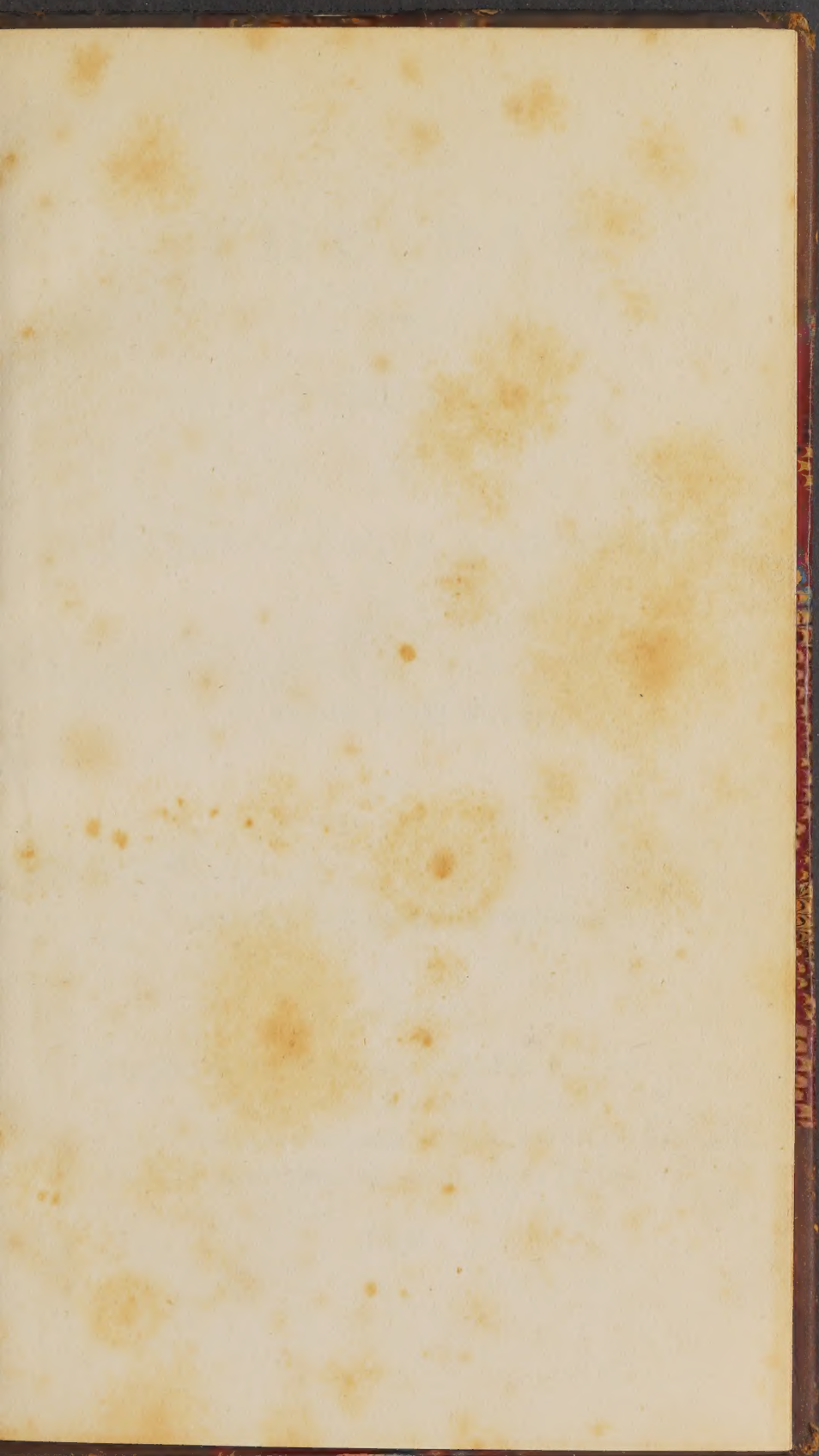
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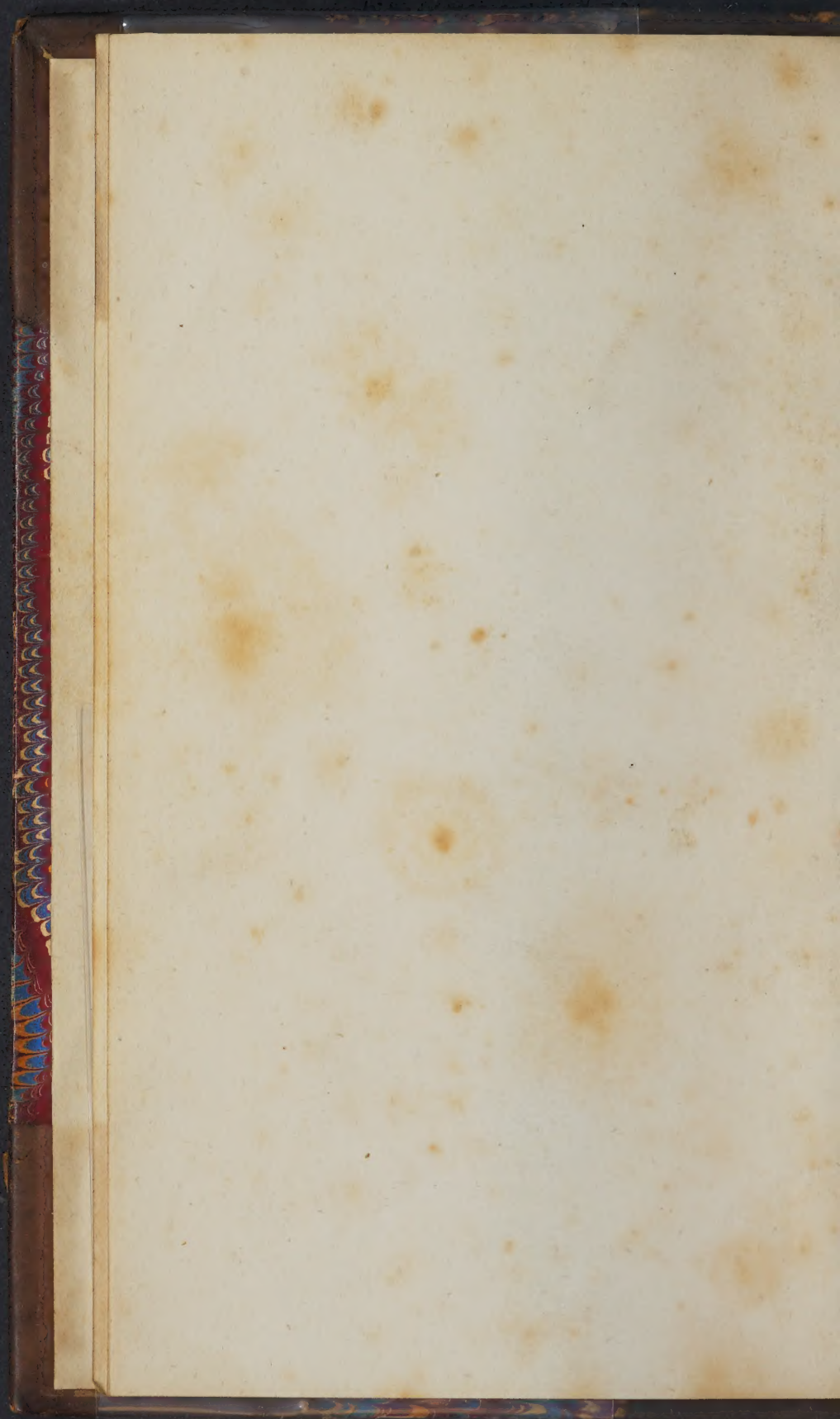
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(verse)









THE BAR,

WITH

SKETCHES

OF

· EMINENT JUDGES, BARRISTERS,

&c. &c.

A POEM, WITH NOTES.

CE DUNT ARMA TOGE.

SECOND EDITION, IMPROVED.

LONDON :

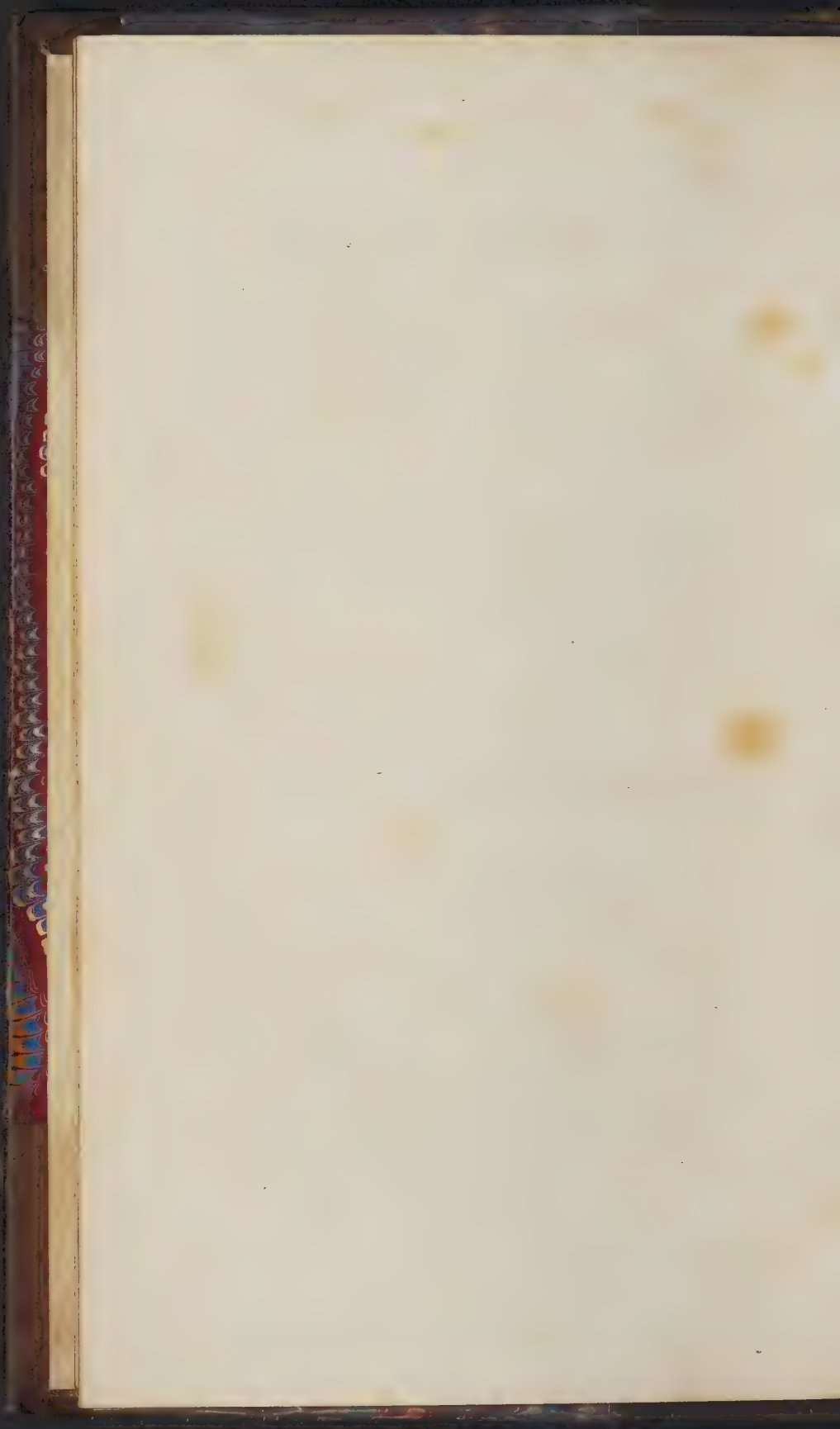
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1826.



ADVERTISEMENT

AND

DEDICATION.

THE very favourable reception this little work has met with, demands the grateful acknowledgments of the Author. The first edition was dedicated to the late Lord Erskine, but as that accomplished ornament of the Bar became defunct before its publication, the dedication has been pronounced a “bit of a bull.” The Author has therefore withdrawn it from the present impression, but as a patron to a work of this description is an indispensable requisite, he has been at some pains to make a prudent election. Now, that mighty despot of literature, Dr. Johnson, used to say, that a bookseller was the best Mæcenæ. A *good* bookseller (by which the reader will understand one of liberality and discernment) *is* a good Mæcenæ, but the Author

boldly avers, without fear of contradiction, that the very best Mæcenæ of all, is—The Public !

To that generous and indulgent PUBLIC, he therefore takes leave to dedicate this “corrected,” and he trusts “*improved*” edition of “The Bar,” with the homage of his profound respect !

September, 1825.

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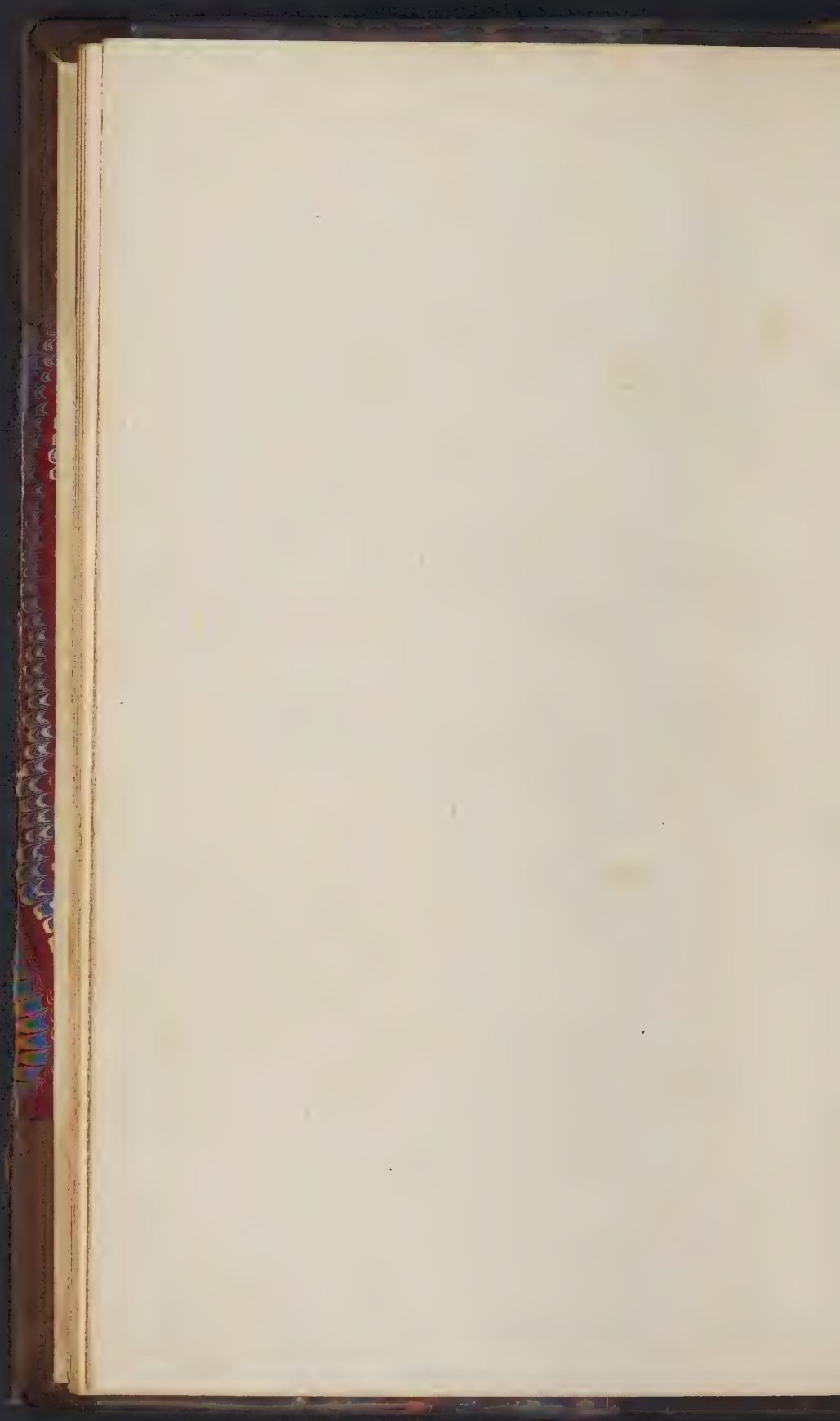
EXTRAORDINARY.

The Gentlemen of the Bar have not had justice done to them. Illustrious members of the senate, and buskined heroes of the stage, have, at various periods, exercised the poet's pen, and received the homage and respect due to their transcendant merits. The Bar has produced the most profound lawyers and the most eloquent advocates: and are they alone—they who overlook nothing—to be overlooked themselves!—Must the Garricks, the Barrys, and the Kembles—the Pitts, the Foxes, and the Burkes, be recorded and immortalized in “tuneful strains,” and shall the Hales, the Holts, and the Mansfields—the Erskines, the Garrows, and the Scarletts—“*cum multis aliis quæ nunc perscribere longum est,*” as the most erudite William

Lilly expresseth it—shall all these prodigies, of the Bench and the Bar, go down to the great deep of oblivion, unhonoured and unsung? Forbid it, justice! Forbid it, ye guardian genii—protectors of retiring worth and modest merit, and aid my goose-quill in endeavouring to “render unto Cæsar, the things that are Cæsar’s,” while I laud the merits, and discuss—tenderly discuss—the *demerits*—if any there be—of the gentlemen of the “long robe,” for the use and behoof of them and their successors, and as I humbly but confidently hope, to the equal gratification, edification, and, peradventure, *mystification*, of the public at large.—*Vale*.

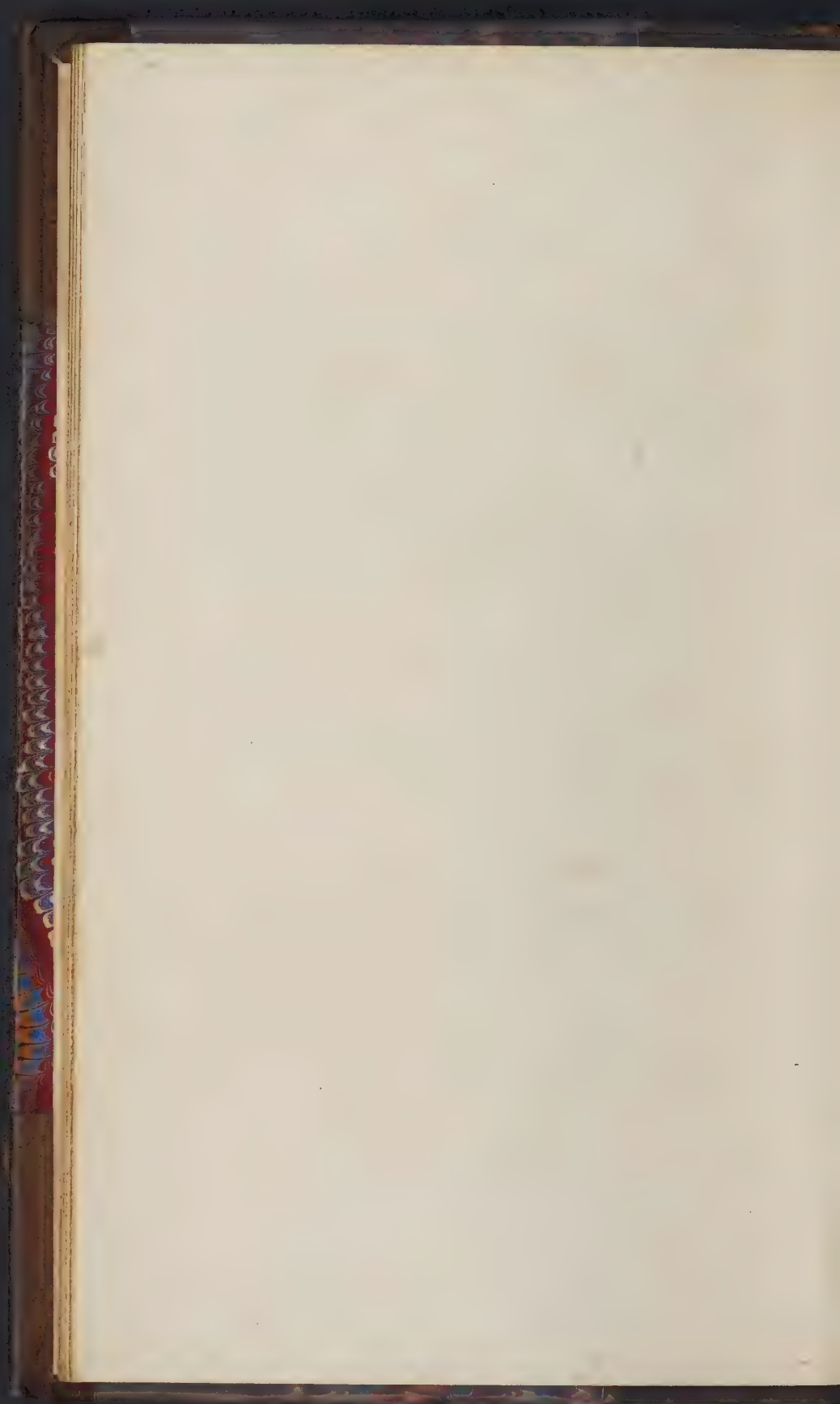
THE BAR.

PART I.



ARGUMENT.

The Poet discovered at his Chambers in the Temple—
with eye “in a fine frenzy rolling”—The Postman arrives
with a letter—Address to the friend who sent it—Retro-
spection—Reflections and a simile—The author proposeth
to comply with the wishes of his friend, by shewing him
a glimpse of the Courts of Law—Cicero—Lycurgus—
Solon—Demosthenes! He leaves to others to explore the
Mysteries of the Law, and proposeth to skim the surface
only, and take a view of its most distinguished members—
He boldly asserteth the right of fair and free discussion—
but disclaimeth all private pique or personal ill will.—
Address to the Muse—More retrospection—The present
case—The Bard ceaseth to sing of himself, and proposeth to
chaunt the praises of other great men—He reverteth to
those of the “olden time”—Lord Chief Justice Gascoigne—
Holt—Hale—Saunders—Maynard—Jefferies, &c. &c.—
Mansfield—Beginning of term—Business of the courts—
The opening thereof—A view of Westminster-Hall—
Speculative and profound reflections thereon—Varieties of
existing nondescripts—Sketches of eminent legal characters
of modern times—Erskine, Garrow, &c. &c.—Bayley—
Gibbs—C. Phillips—Chief Justice Abbott—Vaughan—
Copley—Pell—Exchequer Court—Court of Chancery—
Romilly, &c. &c.—Lord Chancellor Eldon—Grave reflec-
tions, with an address to the Lords of the Admiralty—
Another address to gas-light Winsor—Conclusion.



THE BAR.

PART. I.

UP this vast staircase lined with many a cell,
Where special pleaders and pale students dwell,
And hatch'd by law, eternal discord reigns,
What means this tumult in a lawyer's brains ?
Why do I rave, and as my frenzy burns,
Mutter a curse and breathe a prayer by turns ?
Torn and distracted by o'erwhelming cares—
But hark ! the Postman, thundering up the stairs,
A letter brings—from Atticus it comes,
The best of "fellows" and the first of "chums !"

Friend of my youth ! who oft in happier times,
Would'st read and e'en commend my simple rhymes,
With happiest art my fluttering hopes would'st raise,
By friendly censure, or judicious praise ;
Since 'tis to thee I owe this itch of rhyme,
(To sober folk a folly or a crime,)

Wilt thou from higher themes again descend
To listen to the gossip of thy friend ?

Imagine then the day's dull business past,
And evening's musing moments come at last,
When all is stillness, save the distant sound
Of rattling coaches in eternal round,
Or Thames's tide with gently murmuring fall,
And watchman's lonely tread and drowsy call ;
While my faint rushlight glimmers thro' the trees,
Again thy welcome lines I con at ease ;—
Then rouse my slumbering fancy, and I long
Once more to taste the sweets of " sacred song !"

But ah ; for me, the sport of wayward fate,
No tuneful groves nor murmuring streams await ;
No solitude with vernal sweets that blows,
No sylvan scenes of indolent repose ;
Where o'er the bard as evening shadows bend,
On rosy pinions all the Nine descend !
Condemn'd to slave in " Hope's delusive mine,"
Where fortune's precious gems but rarely shine ;
There, doom'd to toil through tedious years in vain,
And waste the lamp of life for others' gain !
My soul disturb'd by many a ruffling blast,
Heaves like the ocean when the storm is past,

And pants for cloudless skies and purer air,
Where thunders never roll, nor lightnings glare ;
Where my vex'd spirit may at length repose,
And my sad eyes in peaceful slumbers close !
So the lone traveller fainting and half lost,
Who the parch'd plains of Araby has cross'd,
With rapture rests beneath some silent shade,
And while his weary limbs at ease are laid,
Safe from the burning sun and sultry blast,
Forgets awhile the dangers he has pass'd !

Yet come, my friend—and since 'tis thy desire,
Into our dull vocation to inquire,
Come—and for once the curtain I'll withdraw,
And shew, as on a stage, our Courts of Law,
With all their solemn scenes, and actors rare,
Enough in truth to make a parson swear !
The mighty task will all my cares repay,
Should'st thou but relish and commend my lay,
And once again reward my arduous toil,
With patient hearing and approving smile,
As festive guests applaud their host's dull song,
Nor seem to think e'en Chevy-Chase too long !

Yet fancy not that I presume to trace
Up to its origin the ancient race

Of Orators and Sages of the law,
Such as proud Rome beheld, or Athens saw,
When to the crowded Forum's listening throng,
His matchless periods Tully pour'd along ;
Immortal periods ! splendid and sublime,
Doom'd to survive the wrecks of ruthless Time,
And the " eternal city " to outlast,
With all its transitory splendours past !
Or when all Greece resounded with applause,
When Solon or Lycurgus framed their laws,
And HE declaim'd,* resistless, uncontroul'd,
Whose eloquence like heaven's own thunder roll'd,
Roused all her heroes' mighty hearts as one,
And shook the haughty tyrant on his throne.†
Nor yet suppose, while filled with solemn awe,
I now approach more modern courts of law,
That the bold muse will venture to rehearse,
Their learned mysteries in light sportive verse,
Or dare to draw, as with a conjurer's rod,
Their dark arcana from their " drear abode !"

No ! let more bold adventurers explore
Those dreary regions of recondite lore,

* Demosthenes alluding to his celebrated philippics.

† Philip of Macedon.

Enough for me, as with a swallow's wings,
Lightly to skim the surfaces of things ;
Of sages old to take a bird's eye view,
And then a wider survey of the new ;
And to behold, as in a *raree-show*,
What *has* been done, and what is doing now ;
Who are the mighty pillars of the laws,
Who best can plead, and best can judge a cause.—
“Beware, beware !” methinks I hear you cry,
“Nor rashly thus provoke the enemy,
Lawyers are “privileged”—besides you know,
You smite a brother—when you strike a blow,
And, setting fellowship aside—at best
You only rouse a wasp's vindictive nest ;
A mad experiment—which all agree
Can ne'er be practised with impunity !”

I grant it is so thought and spoken too,
And what the world avers must needs be true ;
Yet why, while every kind of public men,
Are held fair subjects for a critic's pen,
And courts are open or to you or me,
Say, why should Lawyers only go “scot free ?”
Pleading “prescriptive right,” time out of mind,
“Unlash'd themselves, to lash all human kind.”*

* Churchill.

Away with such distinctions, great or small,
The free-born Muse is paramount to all ;
She deems all *public* characters fair game,
Claiming "prescriptive right" to praise or blame ;
Alike indifferent if her strictures tend
To please them by their freedom, or offend,
While independence guides her,—and so long
As truth and justice regulate her song !

But from the Bard, far, far be groundless blame,
Or the base wish to tarnish "honest fame ;"
No motive have I to withhold applause,
Or deal out censure without "lawful cause,"
Envy, thank heaven ! nor hatred e'er had part,
Nor malice found a corner in my heart !
To invade the sanctity of private life,
To sow dissension or to stir up strife,
Domestic peace to wither in its bloom,
By slanderous arts—I follow no man home !
Sacred for ever be that home for me,
Its joys, its sorrows, and its privacy !

No ! all the subjects that my verse engage,
I but regard as actors on the stage,
And marking how they play their several parts,
Weigh in the scales of justice their deserts,

And from the scene of action when theyr'e gone,
With them, and their performance, I have done.

Delightful Muse ! whose sweet seductive powers,
Have often soothed my solitary hours,
Gilded their silent gloom with heavenly ray,
And made them swift as moments pass away ;
O now once more thy votary befriend,
And all thy soul-inspiring influence lend,
While boldly he essays in strains sublime,
“ Things unattempted yet in prose or rhyme ! ”*

First trace we back the joyous morn of life,
With health, and strength, and bounding spirits rife,

* This is not exactly so *ad litteram*. In 1819 a series of “ Criticisms on the Bar ” appeared in the Examiner newspaper, which were afterwards published together in a volume. The present work was almost entirely written before the “ Criticisms ” fell into the author’s hands ; which, though written in that desultory manner, perhaps best calculated for a weekly paper, happen frequently to coincide nearly with the author’s strictures, a circumstance that may be adduced as some proof at least, of their general correctness. The features, taken separately, may be somewhat different, but the appearance of the *tout ensemble* is pretty much the same. There are other traits of character in that work, which had escaped the author’s observation, of which he has availed himself in re-touching his “ Sketches.”

When fired with hope, impatient of delay,
Youth's headstrong passions riot in full play,
And like a fiery courser break away !
Well if the counsel of a prudent friend
Can curb and guide them to some useful end !
Thrice happy time, when floats the buoyant mind,
Howe'er so rough the waves, or strong the wind,
Ne'er dreads the present malice of the fates,
Nor future evil e'er anticipates ;
When neither doubts nor dangers can appal,
But hope exults triumphant over all !

Then joyous, brilliant as the morning sun,
With gladness he prepares his course to run !
With what sweet musings oft he wanders o'er
Those haunts which Holt or Mansfield trod before,
And many a kindred spirit since hath been,
Whose mighty names immortalise the scene ! -

There, while within the " Temple's " hallowed
round,
His dozen terms revolve their destined round,
He walks beneath its venerable dome,
And eats his commons with some college chum,
Till, his probation past, all unappal'd,
Boldly he takes the oaths,—and then is " call'd !"

Then from the heart, with friendship's generous
glow,
Kind greetings and warm gratulations flow,
And freed from cold restraint and formal thrall,
Joy reigns triumphant in the ancient hall !
The quip, the quirk, the laugh, the joke, the pun,
Each other chase, and round the circle run,
The song, howe'er so badly chaunted, draws
Bravos ! and rattling thunders of applause,
And though 'tis void of reason as of rhyme,
And badly sung, in neither tune nor time,
Not Braham could delight his hearers more,
Nor raise a louder, livelier encore !*

Thrice happy days ! none such can e'er be found,
Save on the busy Circuit's joyous round,
Where merry Momus treats their gay abodes,
With nights and suppers worthy of the gods.†
Days of delight ! too brilliant to endure,
Which gathering clouds of care must soon obscure,

* See a pleasant paper on this subject in a volume of essays first published in the London Magazine, under the signature of "Elia." It is now pretty well known to have proceeded from the pen of "Charles Lamb."

† *Noctes cænæque deum* ! What the Romans called suppers, are now fashionable dinners !

And storms of discord and eternal strife,
Deform and darken through the rest of life !

Behold me then, (the first bright season pass'd)
On the Law's rough and boundless ocean cast,
Full freighted with a student's precious store,
Bald Norman French, and deep black letter'd lore,
Statutes at large "by Runnington" complete,
In force—repeal'd—modern and obselete ;
Correct reports of "Cases in K. B."
Later decisions still which don't agree,
Sound *dicta*—rules for ever to abide,
Settled to-day—to-morrow set aside !
Guide-posts with hands reversed since yesterday,
That only serve to lead our steps astray !
With such a cargo see me push from shore,
The dangers of my voyage to explore,
Driving to sea—no pilot at the helm,
When rocks appear, or sudden storms o'erwhelm,
Of boisterous waves and adverse winds the sport,
And half despairing e'er to gain the port.

But hold ; of self enough—now go with me
WESTMINSTER and its lions rare to see ;
A sight to make you bless your "lucky star"
For having snugly placed you where you are ;

Plac'd in this strange conflicting scene of life,
Where human passions wage eternal strife,
As fancy looks around she thinks, alas!
"Through what new scenes and changes do we pass!"
Within these walls, (as rolls on ocean's shore
Wave after wave and then is seen no more,)
To men of mighty names and mighty deeds,
"Another and another still succeeds,"
And while intent you watch them passing on,
Turn but a moment and behold, they're gone!

Yet, of the countless number some survive,
Whose names fair history still keeps alive,
Rare mummies, that go down to future days,
Embalm'd alike by censure or by praise,
Of these, behold me now present a few
Whole-lengths and sketches to your wondering view.

First in the scanty list of mighty names,
GASCOIGNE our reverence and attention claims,
Intrepid Gascoigne! proved in every thing,
The tried and true lieutenant of his king,
By no respect of persons ruled or sway'd,
Of high and low, who no distinction made,
And deaf alike to censure or applause,
Ne'er brook'd an insult to his country's laws!

For when young HARRY, in a reckless hour,
Braved with contempt his office and his power,
And dar'd to strike him on the judgment seat,
He sent his future sovereign to the Fleet !*
To cool at once his passion and his heels,
Rack'd with those pangs a conscious sinner feels !

See! HOLT, than whom none better knew the laws,
Or ever better served his country's cause,
Who firmly every stretch of power withstood,†
And always laboured for his country's good.

Lo, HALE ! in whom were curiously combin'd
Various conflicting qualities of mind !
Pious, yet bigotted and narrow soul'd,
And just, though oft by prejudice controul'd.
Profoundly "learned in the law," alone
He ruled without a rival near his throne,
Yet not content with that, he needs must shine
Philosopher, wit, poet, and divine ;
His fancy fill'd with whims and waking dreams,
And pleased with trifling visionary schemes,

* For this anecdote, which did equal honour to the judge, and eventually to the sovereign, Henry V.—*See Hume's History of England.*

† A remarkable instance of this kind is also related by Hume.—*History of England.*

Vain of his knowledge, to his errors blind,
The wisest, yet the weakest of mankind !

So framed he wasted oft his precious nights,
With fawning fools, and selfish parasites ;
Delighted with a dainty snug repast,
And fond of praise and flattery to the last !
Thus, ignorant though learn'd, and weak though wise,
He view'd things often with distorted eyes,
And truth or error, right or wrong, survey'd,
As reason ruled, or superstition sway'd ;
Now shining forth without a fleck or flaw,
A luminous expounder of the law,
In wisdom's vast and varied treasures rich,—
Now—hanging an old woman for a witch !*

And there behold—a precious theme for song,
SAUNDERS† the bold, the bulky, and the strong,
Whom, as a perfect wonder of her trade,
Capricious nature in a frolic made ;
And in the heterogeneous lump combined,
Things most admired or hated in mankind !

Grossly debauch'd, intemperate to excess,
He lived not *quite* a brute, but little less ;

* Vide Appendix A.

† Appendix B.

Redeem'd by rare endowments, which combined,
Proved beyond doubt the monster had a *mind* !

Awaken'd from his beer and brandy dose,
Flush'd with the night's debauch, when morn arose,—
With bloated face, and bloodshot blinking eye,
Behold the hog comes reeking from his styè !
In court arrived, he waddles to his place,
Belching unsavoury fumes in every face !
In vain they growl with dark forbidding frown,
Like a huge stinking dunghill he squats down,
Pois'ning the air with his pestiferous breath,
And almost stifling Bench and Bar to death.

Yet spite of all his faults, behold this odd
Strange compound at the bar a demi-god !
With coarse good humour, and exhaustless wit,
That every point of every case can fit ;
Generous as just, from selfish feelings free,
As pleased to give as to receive a fee ;
He sits the great Silenus of the court,
At once the student's wonder and their sport,
While midst the ribald sallies that abound,
Recondite learning, and instruction sound,
Flow from the filthy vessel that contains
The lucid distillation of his brains.

Lo! while he speaks, in groups they throng as near
As their disturb'd olfactory nerves can bear,
To the rare precious things his mouth discloses,
Opening their ears, and stopping all their noses !
And gathering seeds of knowledge from his tongue
As hungry sparrows pick up grains from dung !

But when on things *sub judice*, he spoke,
He proved that he could go "beyond a joke !"
And in his face when opposition stared,
He stood for all emergencies prepared ;
And knew so well to attack, or to defend,
That when he labour'd to attain his end,
With so much art, and such effect he plead—
That not the Bench, with JEFFERIES at their head,
Though trench'd by envy, hatred, and ill-will,
Could long resist his subtlety and skill,
Forced to give up, reluctantly, what pride
And prejudice unjustly had denied.

Or, if in merrier mood, he waged war
Against the lighter legions of the Bar,
Weapons of every sort he had at will,
Which he could use with equal force and skill ;
And when his vexed opponents fill'd with rage,
The monster "*vi et armis*" durst engage,

He fought and foil'd them, as a thing of sport,
 And laugh'd, or fairly stunk them out of court.
 Strange mortal mixture of this earthly mould,
 Whose memory stands in history's page unroll'd,
 Doom'd to remain beyond life's narrow span,
 A satire and an eulogy on man !
 In vain oblivion claims him for her own—
 Like a dead carcase on the waters thrown,
 His rottenness prevents his sinking down.

There subtle MAYNARD* "laid his traps," and there
 Sat brutal Jefferies,† savage as a bear ;
 With fluster'd face, fierce looks, and thundering tone,
 Enough to turn his hearers into stone.
 Ferocious as a savage of the wood,
 Foaming with rage—athirst for human blood ;
 Nor age nor sex were spared at his command,
 Nor innocence itself could stay his murderous hand !
 A monster ! by his vices and his crimes
 Preserved from perishing to after times,
 As poisonous reptiles are by spirits kept
 From turning to the dust in which they crept.

* "Maynard was made King's Antient Serjeant, but never rose higher.—He was a very able practiser, and used to lay traps for the Judges, and very cunning ones." For other curious particulars of this learned lawyer, see *North's Life of Lord Guilford*, vol. 1.

† See Appendix C.

There FOSTER* ruled, in all his dealings just,
 And GUILFORD,† ever faithful to his trust,
 And after a long barren interval,
 Came MANSFIELD‡—wiser, greater than they all!
 O could my Muse breathe an immortal lay,
 Her humble tribute would she gladly pay
 To him, the virtuous and enlightened sage,
 The glory of his country and his age.
 But ah! she feels, thus daring to aspire,
 Her “talents sink beneath her proud desire,”
 And in despair unstrings her trembling lyre;
 Conscious already that recording fame
 Has stamped with immortality his name.

But hark! huge porters with loud echoing ring,
 The clanging doors back on their hinges fling!
 The *Term* begins! the ancient structure shakes,
 And startled silence from her slumber wakes!
 Now, full of bustle like a summer hive
 Of bees, the busy Temple's all alive!

* “This eminent lawyer, after practising in his native place with reputation, was, on the recommendation of Lord Chancellor Hardwicke, made one of the Judges of the Court of King's Bench, in which capacity he maintained his station with great credit for legal knowledge and integrity, &c.”—*Biograph. Dict.*

† See North's Life. ‡ See Appendix D.

Grave gownsmen, full of thought, "to chambers" hie,
 From court to court, perplex'd, attornies fly;
 A Dowling* each! quick scouring to and fro,
 And wishing he could cut himself in two,
 That he two places at a time might reach,
 So he could charge his "six and eight-pence each."

Through the dark regions of the low'ring sky,
 Now red-tail'd writs like angry comets fly,
 Portentous in their course! with fear of change
 Perplexing awe-struck mortals as they range.
 Attornies' clerks in haste each other greet,
 And porters hurry on from street to street.
 Now watchful Bums,† (dark messengers of fate,)
 In lurking corners for their victims wait.

Now Special Pleaders all their skill display,
 And spin, like spiders, through the live-long day,
 Their subtle webs to catch their careless prey! }
 Pleas, declarations, and replies abound,
 Eventful "issues" thicken o'er the ground,
 And every hostile movement *pro* and *con*,
 "Gives dreadful note of preparation,"

* A celebrated character in "Tom Jones."

† *Bum*-bailiffs, a corruption of *bound*-bailiffs, so called from their being bound to the sheriffs for the due execution of their duties.

While "notices of trial sound" from far,
Dread signals of impending "paper war!"

Lo! through the Hall,* indulging harmless talk,
In full costume the learned Judges walk,
Greet their grave brethren—nod—shake hands and
bow,

Gracious this day to all—a goodly shew!
Grimly they smile, as slowly they advance,
The pinks of courtesy and complaisance,
As if their pictured ancestors of yore
Had left their frames and stepp'd upon the floor!
And now, with due solemnity of face,
And needful form, each Judge resumes his place,
Business begins, no time must now be lost,
But every man stand ready at his post.

Now for awhile silk gownsmen sit at ease,
And lucky juniors pick up straggling fees.
"Motions of course" are heard on things "of straw,"
And heavy arguments on "points of law."
Now needy debtors, to escape a gaol,
For trifles purchase excellent "leg bail,"

* Westminster-Hall.

And perjured villains, in mere wanton sport,
 Swallow their oaths, and "justify in court."
 Drill'd and instructed with some artful tale,
 Now rogues come up to get discharged from gaol,
 And should some scoundrel's case admit a doubt,
 Oaths by the dozen may be cheaply bought,
 To dupe his creditors and "buff him out."*

O shame to Britain ! and her guardian laws,
 (The just proud theme of wonder and applause,)
 Calmly to slumber, while from year to year
 Such flagrant vile abuses still appear ;
 And harden'd villains, as a dextrous feat,
 Thus dare to beard e'en justice on the seat.

And now at length, these formal matters o'er,
 Come the dread "sittings"—when men smile no
 more.

* "Buff him out"—this is, or used to be, done by getting a person to make an affidavit that the party, at whose suit the debtor is in prison, has been duly served with a copy of the schedule required by the statute, &c. so that when he was brought up to be examined, his discharge took place as a thing of course, there being no opposition on the part of the plaintiff, who of course remained ignorant of the nefarious proceedings.

Now busy hackney-coachmen, wet or dry,
Betwixt "the Temple" and Westminster ply,
Oft raising the whip-hand, now here now there,
Anxious to catch an eye and get "a fare."
Quickly from court to court, now in, now out,
Grave barristers with brief-bags move about,
Some with large full ones, some with mighty small,
And many more, alas! with none at all;
Talking in pairs, or pacing to and fro,
A certain sign they've nothing else to do.

Now briskly through the "Hall" a numerous throng,
With business-looking phizzes, drive along,
Or stand in motley groups, with anxious faces,
Debating on the merits of their "cases."
Exulting Discord flaps her raven wings,
And round her dark portentous shadow flings,
Rank above rank, array'd in wig and gown,
Her presence feel, her baleful influence own,
From the bash'd junior, who first holds a brief,
To the bold "Leader" who commands in chief;
While hood-wink'd Justice holds her trembling scales,
Which rise or sink as right or wrong prevails,
For wrong sometimes, "in truth or reason's spite,"
Or human skill, will triumph over right,

Ranged on each side in battle's dread array,
Contending hosts await the impending fray,
Soon, soon amidst the shock, (for fall some must,)
Shall plaintiffs or defendants bite the dust.
In various shapes, to mortal vision clear,
Soon shall the dark decrees of fate appear,
Withdrawn Records, for "cause unknown" abound,
And sudden nonsuits "turn the plaintiffs round,"
Or unexpected facts, like ghosts arise,
To start and "trip their heels up" by surprise,
Or, (while "old stagers" chuckle at the sport,)
Like a strong whirlwind, "blow them out of court!"
Prostrate defendants, by some lucky flaw,
Some blundering verdict, "or some point of law,"
Shall rise and getting on their legs again,
Victorious masters of the field remain.
Full many then who go into the fray,
Quite sure to win—shall rue the fatal day;
While the proud victor, with success elate,
Rejoicing at his lost disastrous fate,
O'er his fall'n foe exults with fiend-like glee,
Himself half ruin'd by his victory.

Now turn around, and looking wide and far,
Survey the numerous offspring of "The Bar,"

"Heavens!" you exclaim, and "can all these contrive
By law alone to keep themselves alive."

Alas! your judgment well may make a stand—

But did not fortune with a bounteous hand,

Larger and more substantial rations carve,

Than law—believe me many here would starve.

But hush—awhile let roving fancy pause,

And listen while the Muse unfolds the cause,

And then you'll cease to wonder why so few

Their arduous calling with success pursue.

Of such a number, foolish, weak, and wise,

In intellect as various, as in size,

'Tis hard to make a stranger understand

Their characters—yet take a few off hand.

Foolish or not, all men would fain be wise,
Or *seem* to be in other people's eyes.

"Men should be what they *seem*"—'tis true, so far—

But sad experience says they seldom are.

Yet he who wise or good but *seems* to be

Before the world—wins half the victory;

For men, with what is visible, imprest,

Will readily give credit for the rest.

Pert as a prating parrot, and as vain,
And gifted with a like extent of brain,

With twinkling rays of judgment by whose light
He barely can distinguish wrong from right ;
Fond of orations that are loud and long,
This thinks—nor ever doubts he may be wrong—
All knowledge lies in words, be what it may,
So seldom gives his tongue a holiday.
Before the bench he makes a mighty rout,
Like one who never knows what he's about,
And if “ my Lud,” amidst his hubbub-boo—
Submit without a check to hear him through,
With strings of trite “ wise saws” and musty jokes,
So much, yet to so little purpose talks,
That midst the bulky heap—for his intent
And meaning, when you sift his argument,
You find—enough to make a Crassus* laugh—
A grain of wheat amidst a sack of chaff—
Yet *he* still fancies, with himself content,
His speech a clear convincing argument,
And though he leaves his point involv'd in doubt,
Cries “ *Ευρηκα !* behold I’ve found it out !”
Which only proves that the conceited elf
Instead of finding that, has lost himself.

* Crassus—a philosopher of old, who is said never to have laughed but once in his life—and that at seeing an ass chewing a thistle.

Another dunce thinks all the world must see
There must be wisdom where's there's gravity !
Still rivers—he has heard—are always deep,
Ergo he sits as though he were asleep,
Ne'er dreaming there's a difference, poor fool,
Betwixt a river and a standing pool.
Pregnant with dullness, full of solemn awe,
If 'tis his lot to moot some point of law,
Behold him slowly rising in his place,
With assinine solemnity of face,
Anxious to give his labouring pangs relief,
And to unload his bosom and his brief,
Forth comes by dribblets then, an hour's harangue
Of puzzling unintelligible slang,
Till half the drowsy bar are heard to snore,
And worn-out patience can endure no more.

There's one—a self-sufficient “son of earth,”
A spoil'd child coxcomb almost from his birth,
His father's only hope, his mother's pride,
Greater to them than all the world beside ;
But let them think him great as e'er they will,
He in his own opinion's greater still.
Of learning he has got just such a store,
As makes him fancy he can learn no more ;

Like ideots happy in their ignorance,
He lingers in a kind of waking trance,
By day, bright hopes inspire him, and by night,
“Visions of glory mock” his dazzled sight.
He dreams he is a Mansfield or a Holt,
He wakes, and finds in bed—a stupid dolt ;
And while away his fancied honours flee,
A stupid dolt he must for ever be.

Lo Curio ! a lawyer and a wit—
And, as may be supposed, for neither fit.
Just trammell’d in the rudiments of law,
Ere further than the vestibule he saw,
A brighter “land of promise” he beheld,
And suddenly against old Coke rebell’d,
Longing to get a modicum or plot,
Where LITTLE* such a large demesne had got ;
And as that amorous frisky child of passion,
With his “sweet loves” is rather out of fashion,
And prudent mothers place the naughty man,
And all his choice prolusions under ban ;
While maids begin to think their mothers right
To keep such dainty ditties out of sight ;

* The celebrated Thomas Little, Esq. *alias* little Thomas.

No sin original he perpetrates,
But takes an easier method, and translates.
And since no mortal creature e'er can be
Quite good or bad at once,*—so wisely he
Begins a sober work, that yet contains
A spice of seasoning in its mawkish strains,
As elegies from Ovid or Tibullus,
Or the more prurient fancies of Catullus.†
His readers with a face of wonder ask—
“Is this Catullus?—then he wears a mask!
No danger can assault the gentle sex
From one whose vizor serves but to perplex,
While they can neither hear his voice, nor trace
One charming feature of his beauteous face.”
“*Ne sutor ultra crepidam*,” you cry—
“Lawyers should stick to prose,”—and so say I,
Sinner myself, I know it, and condemn
From past experience, the sin in them;
And so sage Blackstone thought, and in good time,
For sober prose exchanged his lively rhyme,

* *Nemo repente, &c.*

† Vide an elegantly printed work in two volumes, published in 1821, by Murray, called a “Translation of Catullus,” by the Hon. G. Lamb, and also the various critiques upon it in the Reviews of the day. Since this unsuccessful attempt, the author, it is said, has quitted the Bar, and renounced the Muses.

To law a faithful Benedict became,
But first resolved to quit his former flame,
One tender strain breath'd from his tuneful shell
And to his gentle mistress bade farewell.*

Poor Curio knows it, to his heart's content,
And his backsliding must by this repent,
Since genuine poets, a disdainful race,
Deny him in their fellowship a place,
And learned sages as the world e'er saw,
Think he'll ne'er be a Solomon in law.
The critic cries—shaking his knowing sconce,
“Lawyer and bard he ne'er can be at once.”
And all the world, amidst the mighty pother,
Are apt to think he's neither one nor t'other.

Another, of all cases far the worst—
O strange to say with diffidence is cursed !
Like a young soldier lounging up to drill,
He sneaks into the court against his will ;
And should he have “a motion” or “a case,”
Straight he puts on a rueful length of face.

* See his “Farewell to the Muse,” which is no indifferent specimen of his talents for poetry.

With tremors strange his fluttering pulses beat,
 And his blood quickly mounts to "fever heat;"
 He neither can go on, nor yet retreat!
 But, if encouraged by the indulgent Judge,
 From his desponding slough he can but budge,
 With mighty effort should he march indeed,
 Push on with vigour, and at length succeed!
 Yet ne'er so happy does he think his doom,
 As when the court breaks up, and sends him home.
 There, snug "in chambers" all his troubles end,
 And there, or in some tavern with a friend,
 He talks, in social chat, his troubles o'er,
 And promises—to "go and sin no more,"
 And while his fears and fancied torments cease,
 He eats his chop and sips his punch in peace.

So, when in Bond-street's brilliant promenade,
 A chosen junta go to "high parade,"*
 Gaily equipp'd in "Allen's"† choice array,
 That serves their pretty persons to display,
 With conscious pleasure they lounge thro' the street,
 Of fashion and of folly the *élite*,

* "High parade," there, like "High change," in "the city," is from two to four o'clock or later.

† "Allen's"—a fashionable SCHNEIDER (*Anglice* tailor) in that quarter.

While all the world with gaze intent pursue,
Eager to hear a voice, or catch a view.

Silent and slow, amidst the motley throng,
Should some lone stranger chance to pass along,
An ancient remnant of the good "old school,"
Who still unchanging—does all things "by rule."
With "clouded cane," and wig of ample fold,
A coat of cut some half a century old ;
Cock'd hat, lac'd ruffles, and full frills to suit—
And many a quaint appurtenance to boot,
He thinks unnoticed he may "take the air,"
But soon perceives that he provokes a stare,
With many a shrug and wrath-exciting smile—
Vex'd, harass'd and uneasy all the while,
Fretting at "change of times," without delay,
He from the "genteel rabble" turns away,
And hastens to his walk to put an end,
To shake the hand of some old quondam friend,
Some kindred soul, with whom he may retire
And o'er a social bottle vent his ire,
Rail at the tasteless fopperies of the day,
And talk of "better times" long passed away !

Others with owlsh gravity of face,
Are doom'd to rest like fixtures in the place.

From which, their broad foundations, ere they move,
 Like Baxter's* Christians, they require "a shove ;"
 And thus—heaven grant them patience and relief—
 They sit for years and never hold a brief ;
 As honest DANSER, who could read you Greek,
 Yet knew, than "Poll," no better how to speak ;
 Who once at a demurrer tried his hand,
 But thence retreating wisely made a stand,
 For struggling in a fallow-field of doubt,
 He fairly stuck, and never could get out !†
 Or RAINCOCK,‡ in geometry who shines,
 Screwing his face into a thousand lines,
 Curves, angles, parallelograms, and squares,
 At which, with horror, poor dame nature stares !
 He, all the while, unconscious of grimace,
 Sits lost in thought profound ; while, void of grace,

* Alluding to a well known treatise by the "pious Richard Baxter," with a singularly quaint and ludicrous title.

† This demurrer arose out of an action of trespass, the *locus in quo* being a fallow field, when, after proceeding as long as he could, one of the Judges observed that the learned counsel had stuck fast in the ploughed field, and he advised him to get out again as soon as he could, which kind hint was immediately taken. Mr. D. is said to be a very good Grecian.

‡ The learned Recorder of ———. He is said to be well skilled in geometry, and goes on part of the Northern Circuit.

Young barristers enjoy the glorious fun,
And many a jibe and joke, and villanous pun,
Are slyly handed round—how quick they run !

If these sad specimens of dullness strike,
Yet fancy not that all are dull alike—
Many there are, mix'd up among the rest,
With genius, taste, and soundest judgment blest,
Whose powers, by nature given with liberal hand,
Wait but a genial season to expand ;
Sure, if no blight destroy their vernal prime,
To blossom and bear fruit some future time ;

Of this select rare class, if small the store,
Between the two there yet are many more,
To that sad mediocrity allied,
Which neither gods, nor men, nor columns, can abide !*
Whom but to name were wilful waste of breath,
And toil enough to tire a man to death.

Then turn your eyes—yon chosen band pursue,
And mark them as they march in full review !
Muse ! who hast struck thy tuneful harp in praise
Of orators of other, brighter, days,

* ——— Mediocribus, esse poetis,
Non homines, non Di, non concessere columnæ.—*Hor.*

Say, if thou can'st, amongst the modern race,
Whose wigs and gowns fill up each hallowed place,
Who are the mighty chiefs, whose fame remains
Yet to be sung in thine immortal strains !
But lo ! ere yet the catalogue's begun,
Death, or promotion, squanders one by one !
And ah ! the Muse here fondly turns her gaze
To scenes remoter—to more brilliant days,
And sighs to think, as memory calls them o'er,
That matchless ERSKINE charms the court no more.

With playful wit conjoin'd with manly sense,
And all the charms of graceful eloquence,
No more he moulds a jury to his will,
And while grave judges nod, with wond'rous skill,
Bids the spring tide of varying passions roll,
Resistless, through each channel of the soul.

Of ardent mind, with just ambition fired,
No danger e'er appal'd, no labour tired,
Scorning the beaten mill-horse round to trace,
Where dullness travels with unvarying pace,
He dared "with brave disorder" oft depart
To "snatch a grace beyond the reach of art,"
And far above those sluggish sons of earth,
Who, grub-like, love the soil that gave them birth,

Upwards he sprung, on plumes of genius borne,
As soars the tuneful lark to meet the morn !

While bats in dusky twilight wheel around,
And blinking owls in darkness skim the ground,
So wings the bird of Jove his lofty flight,
To pierce the regions of empyreal light,
And on strong pinion borne, with stedfast gaze,
Mounts o'er the clouds amid the solar blaze !
Through his long course, with fancy fresh and prime,
And judgment, mellow'd by the hand of time ;
'Twas his each fine emotion to impart,
That charms the senses, or that melts the heart.
And, as his varying periods roll'd along,
In magic tones—the captivated throng
Heard with delighted hopes, or thrilling fears,
The music or the thunder of the spheres !
While fill'd with admiration and surprise,
And scarce believing either ears or eyes,
Charm'd jurymen, ere passion could subside,
Gave what their cooler moments had denied.

As some bright comet, flashing through the sky,
Whose brilliant orb attracts the upraised eye,
Whose track mysterious, and portentous fire,
Delight at once and solemn awe inspire,

While meaner stars hide their diminish'd rays,
Lost in the light of its effulgent blaze,
Closes at length in gloom its bright career,
And then the twinkling stars again appear ;
So he, while fame, unclouded still by time,
Shone in full glory o'er his course sublime,
With setting splendour, left his throne of light,
And all again was "chaos and old night."

Hail ! and Farewell !—to the ascendant star,
The pride, the "*dulce decus*" of the Bar !
Farewell thine eloquence, and *only* thine,
Its pomp and prodigality divine ;
Now shining bright and soft as morning dews,
Colour'd with fancy's fine prismatic hues,
Glancing their varying tints at every turn,
Now fill'd with "thoughts that breathe and words
that burn ;"
That like heaven's lightning flashed, beyond controul,
Their fire electric through the inmost soul !

Yet long as liberty the soul delights,
And Britons cherish and maintain their rights,
Long as they love their country's sacred cause,
And prize the safest bulwark of their laws,
So long shall be, with freedom's loud acclaim,
"TRIAL BY JURY" link'd with ERSKINE'S name.

Homage like this e'en *I* may dare impart,
 'Tis honest, and flows freely from the heart.
 Unskill'd to praise, unwilling to offend,
 My verse is framed to gain no private end,
 But comes imbued with truth's fresh genuine glow,
 From one thou never knew'st, and ne'er wilt know ;
 One, who, to fortune and to fame unknown,
 Boasts not to rank with bards of high renown,
 Yet springs with pride from dull oblivion's gloom,
 To hang his garland where thine honours bloom ;
 And while thy name sounds from his simple shell,
 Bidsthee, with conscious pride—Hail! and Farewell!*

Brow-beating GARROW† “pours his throat” no
 more,
 Strains every nerve, and sweats at every pore,

* See Appendix E.

† Now one of the Barons of the Exchequer. He was a very able advocate, as he ought to be, who was opposed to such a man as Erskine, which he was for many years. Of his various qualifications for the Bar, his talent for cross-examination was that by which he was most distinguished, and indeed for which he was altogether unrivalled. This, and his general acuteness and thorough knowledge of the tactical part of his profession, enabled him to maintain the contest in his course of legal warfare “through many a well-fought day,” to great advantage, and often with success.

The star of his professional glory seems to have set on his retirement from the Bar, since which time he has added nothing to his reputation as a lawyer.

The arts of base hypocrisy to trace,
 Or tear the vizor from the villain's face.
 Subtle and sly, no mortal better knew
 Fraud's dark and dubious labyrinth to pursue ;
 And when with winding step and piercing ken
 He found the monster lurking in his den,
 Perforce he dragg'd him from the secret maze,*
 And, like a wild-beast, to the public gaze,
 Exposed his savage looks, and garb forlorn,
 A finger-mark for ridicule and scorn.

Of manners haughty, but of learning vast,
 Unbending LAWRENCE† bows his head at last ;
 And sage LE BLANC, who, with a proper pride,
 Courteous at once appear'd and dignified ;
 With charming tone, and gentlemanly ease,
 Insured respect, yet never fail'd to please.

Versed in the subtle tactics of the law,
 And all its varied learning,—next we saw

* ——— Pedibusque informe cadaver
 Protrahitur.—*Virg.*

+ Lawrence, one of the Judges of the King's Bench,
 now deceased. Mr. Justice Le Blanc is also
 "Gone to that distant bourne
 From whence no traveller returns."

BAYLEY* adorn the Bench,—mild, pious, kind,
 With honest heart and highly gifted mind ;
 High in his office, of commanding mien,
 With aspect ever cheerful and serene ;
 Mild, yet decisive,—gentle, yet direct,
 He wins affection, and commands respect ;
 And rules the Bar with such a temperate sway,
 That it becomes a pleasure to obey :
 Yet, should some self-sufficient coxcomb dare
 To trespass on decorum's rules too far,
 Despite of his authority—then he
 Knows well how to assert his dignity,
 And from presuming prate or disrespect,
 His station and his office to protect.†

Before him, when brought up with gasping breath,
 The guilty felon stands on life and death,

* Of the King's Bench. He is the author of a Treatise on Bills of Exchange and Promissory Notes, &c. &c.

† A memorable instance of this kind *did* once occur at York Assizes. A certain leading counsel of the day, was contesting some point of law, which he persisted in maintaining even against the opinion of the Judge, who after remonstrating with the learned gentleman several times without effect, at length desired him to sit down. This not being complied with, his Lordship rose with great dignity, and in a tone of authority that would not be denied—said—“Mr. P—— if you do not respect *me*, at the least I'll *make* you respect the situation I hold.” This “grave rebuke” had the desired effect.

Pierced with his looks, he trembles and sinks down,
(For what so awful as a good man's frown,)
Yet, in the soften'd glances of his eyes,
Soon he beholds divine compassion rise ;
And as he sees the welcome sign appear,
Looks up again with mingled hope and fear,
While HE forgets the culprit in the man,
Tries all the means that human wisdom can,
And the lost wretch with every art befriends,
To snatch him from the danger that impends.
But should his skilful efforts prove in vain,
He "does his office" with regret and pain :
And, as in terms, that strike with solemn awe,
He passes the dread sentence of the law,
His faltering accents, and the tears that start,
Attest the manly feelings of his heart.
In Bayley we perceive that chance or fate,
In spite of nature, changes man's estate,
And thus, her wise and kind intentions foil'd,
In him behold a rare good parson spoil'd.*

* It is reported that his Lordship was once heard to say, that he should prefer being a country clergyman, with a comfortable vicarage, to being made Lord Chief Justice ! His Lordship is remarkable (amongst other shining or solid qualities) for his piety, which he strongly manifests (some think *too* strongly) by "outward and visible signs" when in a place of worship during service. He has published an edition of the Common Prayer Book with Notes.

But tho' the church might have received with pride
 Such talents, with such virtues close allied ;
 Yet, 'midst the perils of these ticklish times,
 Pregnant with strife, and fruitful of strange crimes,
 A Judge of such materials, rich and rare,
 Ill could the Sovereign or the Country spare.*

Keen, caustic, GIBBS now seeks upon the Bench,
 In ermine, his ill humours to entrench,
 Safe from the piercing arrows of small-talk,
 Or Topping's war-whoop and dread tomahawk,†
 Where envy's self will not deny or grudge
 The praise he justly merits as a Judge.
 TOPPING and SCARLETT now the troops lead on
 Of which redoubted heroes—more anon !‡

* On the death of the late Lord Ellenborough, all eyes were turned upon this excellent Judge, and why *he* was not appointed to succeed that eminent person, has been a subject of wonder much discussed amongst all parties. Certain it is, that such an appointment would have been hailed with pleasure by the Bar, and with satisfaction by the country at large.

† The keen and waspish conduct of Sir Vicary Gibbs (then Attorney General) on various occasions, is well remembered, as is also the severe, and, as was thought at the time, well merited rebuke which the late Mr. Topping administered to him on one of those occasions, when he had treated the latter with somewhat too much of his sarcastic humour, a thing not to be endured by that undaunted vindicator of the rights of the Bar, with impunity.

‡ See Part II.

JERVIS and RAINE in patient silence chew
The cud of calm reflection—while below
Grave GURNEY sits, with ample nose hook'd in,
As if to scrape acquaintance with his chin ;
Steady and cool, on him, from end to end,
Safely his anxious client may depend.
With careful tread, and nice sagacious nose,
Like a staunch pointer o'er his ground he goes,
Follows the true scent with unerring aim,
Nor ever makes a *point* but where there's game.

There mighty MARRYATT, with discordant strain,
Toils through his case, and seldom toils in vain.
Thinking plain truth requires "no flowers of speech,"
He never tries if they're within his reach,
But goes straight forwards till his journey's done,
Ne'er tempted from his road by joke or pun.
Laborious, as if working by the hour,
Like a steam-engine of enormous power,
With force mechanic, and resistless strength,
He gets through work of any breadth or length,
Though hard as steel, or ponderous as lead,
And never flags so long as he is fed.*

* Fed, i.e. figuratively *fee'd*. To *feed* an engine (with fuel) and to *fee* lawyers, are synonymous terms, and equally *indispensable* too!

Lo ! fresh imported from his " Emerald Isle,"
Hibernian PHILLIPS* joins the British file,
Whom Dublin, when his course he first began,
Pronounced " a very promising young man :"
Nay, whom they even ventured to proclaim
Presumptive heir to matchless CURRAN's fame ;
Yet though the mighty monarch's since removed,
His title to the throne remains unproved.

But, what a difference ! heaven and earth ! the one
A royal eagle soaring to the sun,
Steady and strong and daring in his flight,
Piercing with stedfast eye the realms of light ;
Or cleaving through the air his rapid way,
And darting swift as lightning on his prey !
Lord of the air, around, below, above—
In every motion, still, the bird of Jove.

The other a keen hawk, that, when he flies,
Skimming the fields or mounting to the skies,
Flutters his wings aloft—then comes down souse,
Pouncing upon a sparrow, or—a mouse.

That was like lightning, thro' the tempest driven,
Flash'd from the dread artillery of heaven !

* Charles Phillips, Esq. late of the Irish Bar, but now
of the English Bar.

This a theatric torch-flare one may call,
And the loud rumbling of the mustard ball.*

The one, a comet, with disastrous glare,
Gleaming portentous through the troubled air,
Startling whole nations with its awful light—
The other, a mere school-boy's paper kite,
Borne fluttering forwards on the eddying gale,
With a brave blazing lantern at its tail.

This is a river swollen to a flood—
Breaking its bounds and covering many a rood,
It spreads its surface o'er a vast extent,
But, in diffusion, when its force is spent,
Back to its former channel soon it strays,
While the dry land its shallowness betrays.
His eloquence was like the sea that roll'd
Driven by the winds of heaven uncontroll'd,

* "With thunder rumbling from the mustard bowl."

Pope.

There is a pleasant anecdote in a note on this line. "The old way," says the author, "of making thunder and mustard was the same: but since, it is better performed by troughs of wood with stops in them. Whether Mr. Dennis was the inventor of that improvement, I know not; but it is certain, that, being once at a tragedy of a new author, he fell into a great passion at hearing some, and cried out, 'sdeath! that is my thunder'."

Spreading a mighty deluge wide and round,
Whose waters fill'd alike the vast profound,
And every creek and corner of the ground ;
And leaving not a foot of firm dry land
Whereon his terror-stricken foe might stand.

An orator ! a maker of fine speeches—
A sort of bastard eloquence that reaches
But ne'er extends beyond that doubtful line,
Which doting dowagers pronounce divine !
A gaudy picture glaringly display'd,
Like Joseph's coat of many colours made,
Jumbled without regard to light or shade.

In search of metaphor behold him fly
To rummage all above or 'neath the sky,
Dart like a sun-beam in his wild career,
“ Beyond this visible diurnal sphere,”
Through the dark void flash with a meteor's sweep,
Or headlong plunge into the “ vasty deep,”
Then in an earthly shape appear again,
To dazzle and confuse the whirling brain ;
And after all this wild-goose chase—
To vulgar sense both out of time and place,
Still a mere mortal—panting for applause,
And losing sight of nothing—but his cause.

O ! strange mistake ! true eloquence disdains
Such pomp of words—such artificial strains !
Vainly he tries her province to invade
“ With apt alliteration’s artful aid,”
And to assist his arduous anxious aim,
Flies forth to fetch fine flowers and fiery flame,
Shakes from his brain—that rare kaleidoscope—
And endless change of metaphor and trope,
And many a quaint antithesis to boot,
Which here and there like northern streamers shoot,
Or fire-balloons which make the people stare,
So long as they retain their light and air,
But when exhausted, with a puff expire,
And unregarded drop into the mire !

Yet, could he, deaf to popular applause,
(Oft lavish’d or withheld without a cause,)
To one great object keep his aim confined,
And, trusting to himself, divest his mind
Of false ambition and of vain pretence,
Phillips might justly claim pre-eminence.
With all his faults,—and manifold they are—
Of sterling genius he has such a share,
As his profession might and would have graced,
Sober’d by judgment, and refined by taste,

And England might have seen him at her Bar,
Midst the bright galaxy, a shining star.*

But oft capricious, from his proper track,
A noisy tavern-dinner calls him back,
Where primed with praise, and Port's inspiring power,
He spouts to boozy patriots by the hour,†
Till they can scarcely tell, as reason reels,
Whether they stand upon their heads or heels.

Or if perchance some "meeting" he attends,‡
His ready eloquence their cause befriends,

* Since Mr. Phillips's residence in this country, the public has had few opportunities of judging of his eloquence, which is of a peculiar kind; and, judging from the speeches he has published, it seems better suited to his native island than to this grave reflecting country. He possesses a considerable portion of genius, with an ill regulated fancy, a vitiated taste, and a very slender proportion of sound judgment; faults which may be amended by experience. Mr. P. however is not without his admirers, even on this side the water, but they are chiefly such as mistake alliteration for eloquence, antithesis for wit, and bombast for sublimity. Assuredly English Judges and Juries are not of this number at the present day.

† See his famous speech at the "grand dinner," given by the Whigs of Liverpool.

‡ Mr. P. it was reported, in the daily prints, chanced to attend a "Bible Society" meeting at or near Gloucester, when he volunteered a speech that was received with "unbounded applause." What is better, it was the means, as was said, of introducing him to a lady to whom he was

Forth comes next day, in print, a flaming speech,
Far, far beyond what vulgar minds can reach:
Where metaphors, and tropes, and figures rare,
Like *ESTERHAZY*'s diamonds, make you stare,
And almost hide, amidst the dazzling light,
The subject they embellish from the sight.*

Thus headstrong fancy leads his steps astray,
And loses panting genius by the way,
Or if perchance together they should go,
With gaud and glitter he bedaubs them so,
That you (when you behold the things again)
Look for their features and their forms in vain.

So some young beauty, on her village green,
Blooming in native innocence, I've seen,
Moving unconscious of her charms, and graced,
By nature, with simplicity and taste,
From affectation free—a lovely sight—
That fills the heart with joy and pure delight !

soon afterwards married. This may be truly said to have been one of the very best speeches, published or unpublished, he ever made !

* Prince Esterhazy's dress at the coronation was described by a writer present (supposed to be Sir Walter Scott) as being so *covered* with diamonds and pearls, as to hide every vestige of the dress itself.

But, if unhappily seduced, she's thrown
A lost deserted wretch—upon the town—
Behold her gaily flaunting it about,
In meretricious finery tricked out !
Brave Bristol diamonds sparkle o'er her brow,
Fine feathers wave, and flow'rets seem to blow,
Her rounded arms Parisian bracelets deck,
And rare mock pearls adorn her beauteous neck ;
On her wan cheeks (their native roses fled)
Cosmetics vile, and flaring rouge, are spread,
Bedizen'd thus, with gaudy colours bright,
While her false glitter strikes the wondering sight,
For her lost beauty, hid in such disguise,
You look in vain, and scarce believe your eyes !

PHILLIPS ! for once believe the friendly Muse,
Nor her sage counsel with disdain refuse :
Genius, like beauty, with itself content,
“Needs not the foreign aid of ornament,”
Its native charms are its peculiar boast,
And 'tis when “unadorn'd—adorn'd the most.”

Halt then—keep on thy feet—nor strive to fly,
Like foolish Icarus, to scale the sky,
Lest in the vain attempt thy wings be found
To fail, and bring thee tumbling to the ground !

Halt—and discreetly, while it yet is time,
 Reduce to common sense thy strains sublime,
 Restrain thy fancy, and reform thy style,
 Or hie thee homeward to the “Emerald Isle,”*
 On which, in evil hour, O why, good lack !
 Ungrateful ! didst thou ever turn thy back !
 And of thine *Alma Mater*† e’er lose sight—
 The critics *there* might relish with delight

* Mr. P. is the author of a poem so called, published in 1812, and dedicated to his Royal Highness the Prince Regent, whom he was then pleased to style “Ireland’s hope, and England’s ornament !”—Compare this with his speech at Liverpool, before mentioned, and others since ; in which he vindicates the change in his political opinions. A very able critic in his review of this work and his famous “speeches” “edited by himself”—thus speaks of the former. “It is a perfect stream of praise, a shower of roses on every person who is named in it, from Alpha to Omega.” As to his consistency in politics, the reviewer says, “he dedicated his poem in *expectation*, and he published (his Liverpool speeches) in *disappointment*.” Mr. Phillips avers that he changed his sentiments from a “conscientious conviction, &c.” His reviewer thinks that there was no *principle* in it, but that he changes—*certa ratione modoque*. Which of the two is right, let the reader judge for himself; and in order to do that fairly, and impartially, let him first “walk over” the “Emerald Isle,” and then “go through” the “Speeches,”—if he can—and conclude with the masterly analysis of both by the writer above-mentioned, which will amply re-pay him for his pains.—*Quarterly Review*, vol. 16.

† Mr. P. was of Trinity College, Dublin.

Those brilliant flourishes that run to waste,
Before a public void of genuine taste.
John Bull at glaring folly never winks,
But looks, and bluntly utters what he thinks,
Hates nonsense, in whatever garb it goes,
And at the smell of flattery stops his nose.
Besides, 'tis not the way to fame or riches,
To make, what modern Judges hate, long speeches.
Economize thy words—abridge—condense,
And talk on common themes with common sense:
Upon the subject keep observant watch,
And use, what courts and juries like—dispatch,
In phrase that most congenial appears
To British understandings—British ears !

This do—or go and tune thy lyre again,
And chant to Erin a repentant strain,
Laud her “blue-stocking” wits and poets rare,*
In terms to make e'en Lady Morgan stare,
Though of such stuff—fame says—'tis hard to make
A dose too large or strong for her to take.

Now comes the chief—though highest on the list,
He by the Muse must briefly be dismiss'd—

* See “The Emerald Isle.”—*Passim*.

Acute he is—but not above his peers,
 And wise enough—but not beyond his years ;
 Presiding at his birth, some lucky star
 Above his humble station raised him far,
 Rescued him from a pedant's hapless fate,
 And quickly raised him to his high estate.*
 Scarce known—so strange—so sudden was his rise,
 That folks beheld the change with huge surprise,
 Gazed at his Lordship with admiring stare,
 And “ wonder'd how the d—l he came there.”

“ *Ohe ! jam satis est !* ”—now leave we these,
 And take a peep into the Common Pleas.
 Where the mind finds refreshment and relief
 Amidst the squabbling clan to find a chief,†
 Who rules with wisdom and true dignity,
 And in all points is what a judge should be.

Warm from last night's carouse, a Prince's guest,
 Limping, but light of heart, comes Sergeaht BEST,‡

* The present Chief Justice Abbott was, it is said, formerly tutor in a private gentleman's family, who, from his acuteness, recommended him to apply to the study of the law, which advice he fortunately took. His elevation, to his present high office, created no small surprise, at the time, particularly amongst the lawyers.

† Chief Justice Dallas.

‡ Now one of the Judges of the Court of King's Bench.

With greeting smiles he moves—a courtly grace
Still beaming o'er his “shining morning face,”
Wit and Champagne still sparkling in his eyes,
And gay good humour, that e'en gout defies.
The brilliant court above has closed—and now
Both feet and head must to the court below,
To festive scenes of elegance and ease,
Where all are pleased because all strive to please,
Succeed the law's dry facts, and dull formalities. }

Business, become the order of the day,
Prepares to mingle in the glorious fray,
Then, while like lightning in a fervid sky,
His spirit kindles in his flashing eye,
With earnest look, and bold impassion'd strain,
He strives the struggling judgment to enchain ;
Tries and re-tries with unremitting zeal,
And for his client feels or seems to feel ;
Forgets all thoughts of interest and renown,
And pleads the cause as though it were his own.
Thus, ere the jurymen can raise their eyes,
He takes the slumbering judgment by surprize ;
And, driving on the siege, in force and form,
Carries his point by stratagem or storm.

Grisly and gruff, and coarse as Cambridge brawn,
With lungs stentorian bawls gigantic VAUGHAN ;

In aspect fearless, and in language bold,
 "Awed by no shame—by no respect controul'd,"
 Straight forward to the fact his efforts tend,
 Spurning all decent bounds to gain his end.
 No surgeon he, with either power or skill,
 To shew the world his anatomic skill,
 Or subtle nice experiments to try—
 He views *his subject* with a butcher's eye,
 Nor waits its limbs and carcase to dissect,
 But tears the heart and entrails out direct.

Him lynx-eyed COPLEY* sternly views afar,
 Frowns bold defiance, and prepares for war ;
 Measures his rival with undaunted eye,
 Like one resolved to conquer or to die.

Now burns the fight—the host on either side
 In breathless silence the event abide.†
 Crafty and cool, sly COPLEY shifts his ground
 And leads his strong assailant round and round ;
 Who, losing both his temper and his breath,
 Drives, like a Turk, for victory or death !

* Now Attorney-General.

† Jam vero Rutili certatim, et Troes et omnes
 Convertere oculos Itali—
 Armaque deposuere humeris.—*Virg.*

Fierce as a fiend, he falls with vengeful ire,
 Foul on the foe, and should his piece miss fire,
 While in disorder for a time he's thrown,
 With the butt-end at once he knocks him down.*

Not long he lies, but with elastic bound,
 A tennis-ball, he springs up from the ground ;
 Then, on his legs again, he scorns to yield,
 But inch by inch disputes the bloody field,
 Till the vex'd umpire, 'midst the dreadful fray,
 Puts in his veto, and decides the day.†

Lo ! learned LENS—as contrasts always please,
 Like a calm summer lake reposed at ease,
 Till warm collision, like a mighty wind,
 Uplifts the depth and volume of his mind ;

* Lord Pembroke once said, when speaking of Dr. Johnson's annoying mode of arguing any question, "there's no escaping the doctor—if his piece misses fire, he knocks you down with the butt end."—*Boswell's Life of Dr. J.*

† This court has long been notorious for the squabbles—often personal—of the leading counsel—Sergeant Vaughan has encountered, in their turns, several of his learned brethren—particularly Best, Copley, and of late Pell, who begins to display talents of no ordinary description, and who feels and asserts his consequence accordingly. The Chief has had frequent occasion to interfere to his great annoyance. It is remarkable that the late Sergeant Lens always contrived to keep out of such broils—much to his credit.

Then, as if roused from slumber, o'er his ground
 Hé roars not with a torrent's thundering sound,—
 Nor like a shallow stream "runs dimpling on,"
 Till in faint murmurs all its strength be gone,—
 But, gently swelling from its copious source,
 Like a vast river, rolls with steady force,
 Bank full—yet ne'er o'erflowing its right course ;
 Or if, perchance, the truant stream should stray,
 It warms and fertilizes on its way,
 And strews, with many a leaf and classic flower,
 All that was wild and barren waste before.

But greater, nobler qualities than these,
 Are his, who never fawns or stoops to please ;
 Who, with stern independence for his shield,
 To hollow-soul'd ambition scorns to yield ;
 For power or place, or paltry selfish ends,
 Ne'er sells his conscience, nor deserts his friends,
 But stands (nor sighs for proffer'd honours past),
 Unshaken and consistent to the last.*

* The learning, and mild yet dignified deportment of this profound lawyer, and true English gentleman (for some are ill natured enough to assert that the two characters are not *always* combined) seem to have conciliated all parties. It is said that he has more than once had the offer of a high official appointment, which, on the ground of its inconsistency with his political sentiments and connections, he declined ; a circumstance that did equal honour to both parties.

Rare virtues these ! above all price or praise;
And seldom found in these degenerate days ;
Yet these, for *one*, the Muse may proudly claim,
And with their splendid rays emblazon LENS's name.

Now, to the rest*—Muse, bid a short farewell,
And kiss thy hand to bustling bright-eyed PELL ;
Whose active spirit, and undaunted soul,
In spite of even VAUGHAN's rude controul,
Will draw from dull obscurity his name,
And lead him on to fortune and to fame.†

With eye averted, here the Muse stops short ;
What Muse e'er enter'd the Exchequer Court ?
There, struggling genius vainly strives to rise
Through the dense fogs exhaling from Excise ;

* Of whom Mr. Baron Hullock and Mr. Sergeant Cross are noticed in the Second Part.

† See the note on Sergeant Copley, now Attorney General, who, since his promotion, appears to have quitted the Court of Common Pleas for that of the King's Bench. Sergeant Pell has, in consequence, had a great accession of business, and has distinguished himself, both by his spirited conflicts with Sergeant Vaughan, and on other more creditable occasions, particularly in the celebrated "Portsmouth Case," in which he took a very prominent part, with infinite credit to himself, and great satisfaction to his noble client and the public at large.

Prime orators but strew their flow'rets rare
To "waste their sweetness on the desert air."
There, as they travel round the dull routine,
No meteor flash illumines the dreary scene;
Bœotian mists absorb each ray of light,
And all is "dark as chaos and old night."
Foul frauds, above the reach of fear or shame,
No sympathy with eloquence can claim,
Save that, which by its potent force elate,
Flows in melodious strains at Billingsgate.
Well pleased, *Laverna** claps her gladsome wings,
While issuing from a thousand muddy springs,
The tide of discord rolls, and 'midst its sludge,
Flounder, alike, both advocate and judge;
Gross, bare-faced, perjury stares them in the face,
Truth quits her throne, and fraud usurps her place;
While startled Justice often takes a flight,
And e'en the King can hardly get his right,
No wonder that the Barons—as we see,
In such a Pandemonium can't agree;†
But often make, amidst the strange uproar,
"Confusion worse confounded" than before.

* The goddess of rogues and thieves.

† This frequent difference, amongst the learned Barons, gave rise to a well known *pithy* criticism on their respective qualifications, which appeared in the daily papers.

From scenes like these, without regret or pain,
 Turn we our vagrant steps to Chancery Lane ;
 Where Equity, with bandage o'er her eyes,
 Poises the trembling scales, that sink and rise
 By turns—and with a fair impartial hand,
 Weighs out to each his honest, just demand.

In such a sober set few traits can strike,
 Where all seem wise, or rather grave alike.
 Sometimes, indeed, amidst the solemn scene,
 A merry interlude may intervene.
 Facetious HART, let loose amongst the folks—
Circum præcordia ludit with his jokes.
 Or drowsy BELL, in attitude uncouth,
 With closing eye-lids, and wide yawning mouth,
 Stretches his paunch, where windy vapours roll
 With hollow rumbling—till beyond controul,
 Forcing their way, like fires in Etna pent,
 “*Magno cum strepitu*” they get a vent,
 And form, as they escape, at either door,
 A running bass to his melodious snore.

Titters the grinning Bar—from one to one
 The epidemic spreads—and 'midst the fun,
 My Lord himself unbends—and drops a pun.*

}

* See Appendix F.

Then bursts aloud the chorus of applause,
No matter who the butt, or what the cause,
For when the *Master* smiles, and drops his staff,
And condescends to joke—the *boys* must laugh.

Yet BELL laborious diligence may boast,
And that he's ever ready at his post,
While fagging HART preserves his proper bound,
And, steady as a mill-horse, goes his round.

Skilful, acute, in legal lore profound,
Close reasoning GIFFORD* stands on lofty ground.
From misty error's dull ophthalmia free,
He sees things clearly, and makes others see.
Each scattered part of a dissevered case
He fits and dovetails in its proper place,
And thus with dext'rous skill, and deep intent,
Constructs a fine yet solid argument,
Strong and compact in every part and point,
Which neither force can break nor art disjoint.
With endless repetitions, loose details,
He ne'er your patience or your ears assails,
But grasps each point within his mind's strong clutch,
And seldom says too little or too much !

† Now Baron Gifford, Master of the Rolls, and
Deputy-Speaker in the House of Lords.

Not so long-winded WETHERELL*—who stale,
 Diffuse, and “tedious as a twice-told tale,”
 Pours forth his loose harangues in strains uncouth,
 Like ribbons dropping from a juggler’s mouth.
 Whene’er his lengthy arguments he spins,
 At most with two ideas he begins,
 So like, that one may fairly call them twins.
 With these he weaves a flimsy web, so weak,
 That through its texture e’en a fly might break;
 Yet does he gabble on through thick and thin,
 Like some old woman o’er her tea and gin—

* This learned gentleman is remarkable for what are expressively termed “long-winded” speeches, for which sort of superabundant eloquence, one would suppose, Ministers must have a strong predilection. The present Attorney General (Sir J. S. Copley) was promoted, even from the ranks of Opposition, to the office of Solicitor-General, soon after his long and laboured defence of the famous Dr. Watson, of high-treason memory. On the same occasion Mr.—now Sir Charles Wetherell—was leading Counsel, having stepped out of his accustomed walk in the Court of Chancery, and volunteered his services for that purpose.—His address to the Jury, then, was of eight hours duration, which, however, is not to be compared to his speech in the “Roxburgh case,” which lasted not for eighteen minutes, as some might suppose, or eighteen hours, as others might imagine, but for eighteen days! (See Mr. Secretary Peel’s speech in the debate on Mr. Williams’s motion for an enquiry into the causes of the delays, &c. in Chancery.) His exertions in the celebrated “Portsmouth Case,” were also of vast *longitude*, soon after which he was appointed Solicitor-General.

Or like himself, when to his chum he talks,
Ogling the pretty girls in King's Bench walks.

O! would he learn to stop in decent time
The jingling sounds of his eternal chime,
And put, with kind considerate intent,
His tongue upon the peace establishment.

Judicious SHADWELL wanders round about
With careful steps—and prudently looks out,
As though he dreaded unawares to meet
“Man-traps and spring-guns” underneath his feet.

Nor let the Muse o'erlook ingenuous HEALD,*
Well versed in all the tactics of the field,
Who, with a subtle art that ne'er distracts,
Finely concentrates all his leading facts,
And reasons in a clear connected strain,
Nor ever drops a link out of the chain.

* Mr. Heald has been stated to be the author of “THE BRUNONIAD,”—a mock-heroic poem, on the controversy between the celebrated Doctors Cullen and Brown. This is a mistake. That poem (which by the bye, is one of the best of its kind in our language) was written by a gentleman of the same name, at that time a pupil of Dr. Brown's, but who afterwards quitted the profession of physic for that of divinity. He is also the author of a translation of some of the “select Odes of Horace,”—a work of great merit.

Nor pass unnoticed unpretending HORNE,—
What though no classic flowers his brows adorn,
Yet his are sober sense without display,
And judgment sound that never leads astray—
Foundations strong, that ever firmly stand,
Which they who build upon—build not on sand.

But where is HE—now wanting in his place,
Whose speaking eye, and dark expressive face,
And sombre melancholy air combined,
Announced an index of no common mind?
A mind which like some vast museum shone
With boundless treasures—not together thrown
In one chaotic mass—but where, restrain'd,
Variety, without confusion, reign'd.

Possessing, with perceptions clear and strong,
A sense intuitive of right and wrong,
Quick and sagacious to detect the place
Where lay the strength or weakness of a case;
And ever prompt to keep, with judgment true,
The means proportioned to the end in view.
Viewing the field of war with jealous eye,
Certain each latent error to descry,
Like an old soldier, ere the fight began,
He laid his schemes to thwart his rival's plan;

And when he found, involved in mist and doubt,
That rival vainly struggling to get out,
By various ways he sent his legions round
All hostile calculations to confound ;
Attack'd him point by point, and unawares
Drove or inveigled him into his snares,
Till, panic-struck, the foe was forced to yield,
And leave him fairly master of the field.

But oh ! to law's dull trammels not confined,
Shone the great powers of that enlighten'd mind ;
Nor, kept restricted to one gloomy part,
Were the warm feelings of that manly heart ;
Wisdom was there, adorn'd with classic grace,
And there each heaven-born virtue found a place ;
Humanity, within his generous breast,
And kind compassion, found a place of rest ;
And sacred love of freedom's holy cause,—
Freedom, that yields to nothing but the laws.*

Who in this portrait can such features see,
And not, at once, discover ROMILLY ?

* "Hold to the laws!" was his motto at the time he was elected for Westminster.

Alas ! that such a man, with such a mind,
To "blank confusion" should have been consign'd ;
Bow'd to the dust beneath a load of pain,
Beyond the power of reason to sustain.*

Lamented ROMILLY ! though low thou'rt laid,
In the dark tomb amongst the mighty dead ;
Yet, not forgotten do thine ashes sleep,
There friendship lingers long and loves to weep ;
There gratitude and pity oft attend,
And sad misfortune mourns her truest friend.
Fair freedom to thy memory drops a tear,
And sainted honour weeps "a pilgrim there ;"
Their sacred sympathy embalms thy name,
And consecrates thy worth to deathless fame.

Muse, pass not by, in thy correct report,
That grand *improvement*—the Vice Chancellor's court ;
A pretty post, devised, like many more,
Of urgent business to reduce the store ;
But which (Oh ! doubly painful to endure),
Increases the disease 'twas meant to cure.
Ah ! sure a pair like this were never seen,
So much unlike in gesture and in mien.

* The melancholy catastrophe, alluded to, is too well remembered to need further notice here

Ill match'd—this steps too fast, and that too slow,*
 And both together do but rarely go.
 One needs a curb, and t'other wants a spur,
 And thus the vast machine can hardly stir ;
 While, when they often pull in different ways,
 Despairing clients stand in dire amaze ;
 And swear, as they behold increasing fees,
 " The remedy is worse than the disease !"

Above the rest, in wisdom as in place,
 Sits the great chief,† with grave and thoughtful face ;
 Raised by his native powers, from stage to stage,
 A bright example to the rising age.
 Studious and patient in life's early days,
 And true to his vocation—no mean praise.
 In the deep solitude of crowds unknown,
 On fools, while fortune's harlot smiles were thrown,
 'Twas his hard lot to meet her adverse frown.
 Yet still, though storms of peril and dismay
 Oft blew him from the current of his way ;

* The punning wits of the Chancery Bar, where punning is (as has been shewn before) in high estimation, say of the Lord Chancellor and his Vice—that the former is accustomed "*oyer sans terminer*," and the latter "*terminer sans oyer*."

† Lord Chancellor Eldon

Through boisterous seas that threaten'd to o'erwhelm,
While prudence kept a hand upon the helm,
With watchful eye he stretch'd his vent'rous sail,
Took the tide's flow, and caught a favouring gale ;
A gale that like the constant trade-wind blew,
And brought the haven of his hope in view ;
Where, firmly moor'd, he rests secure at last,
And smiles on all the dangers that are past.

With just ideas, judgment strong and sound,—
With learning luminous and yet profound,
His mind, as on it takes its mighty course,
Displays its secret treasures to their source ;
Then calmly rests—its winding current run—
Like some vast lake illumined by the sun,
Where through the world of waves, distinct and clear,
The hidden wonders of its depths appear.

In green old age, his wisdom still appears
To grow and ripen in his ripening years,
Doom'd to descend, with many a mighty name,
To future times with honourable fame.
But cramp'd alas ! in this imperfect state,
By what some christen chance, and others fate :
Vain is the wisdom and the wit of man,
And little can he do—do all he can.

For to whatever point his efforts tend,
Like Sisypheus, his labours have no end,
Up hill he rolls the ponderous stone in vain,
Back it rebounds—and all's to do again.

Such and so unavailing in their kind
Are the vast, endless labours of *his* mind,
Nor, from the failings of mortality,
Remains the Royal conscience-keeper* free.

Upright, sincere, laborious from his youth,
Zealous he seeks and fain would find the truth,
Hunts it through all the mazes of the mind,
Nor leaves or brake or bush untried behind,
With load enormous pressing on his back,
He patiently pursues his mill-horse track ;
Vain is the use of curb, or lash, or goad,
To check or urge him faster on his road,
Onwards he moves with slow but certain pace,
And always keeps his temper and—his place.

One weighty drawback, like a galling chain,
Fetters his limbs and makes his progress vain.

* The Lord Chancellor used to be dignified with the title of "Keeper of the King's conscience"—and a very pretty post it must have been in former times—indeed at any time.

Weak indecision, like the shifting wind,
Perplexes and distracts his dubious mind ;
And, as his judgment owns her palsyng sway,
Of strange misgivings he becomes the prey ;
Wavering—"infirm of purpose"—to both sides
He listens patiently, but ne'er decides !
Points, on which all opinions are agreed,
And cases clear, which they who run may read,
He hears—re-hears—from time to time postpones—
While, on the rack, exhausted patience groans ;
And, when at length his day of "judgment's" come,
Makes up his mind to take the papers home.
And though the *fiat* trembles on his tongue,
Doubts to do right—for fear of doing wrong.*

* The character of this profound lawyer, and most upright and conscientious man, the author leaves to be delineated by more competent hands. The present resemblance is a mere outline, which, nevertheless, may convey some idea, however imperfect, of the great original. With regard to his *doubts* and indecision, they have often been the subject both of grave discussion, and facetious anecdote. His Lordship is fully sensible of his failings, and his candour and humility in acknowledging them cannot be sufficiently admired. In the case of *ODDIE v. the BISHOP of NORWICH*, which came before him in 1821, he dropped the following observation. "I am now approaching that period when my natural existence will be brought to a close, and I confess, that, during my judicial life, my mind has often been hampered with doubts, in cases in which men of stronger minds would, perhaps, have entertained no doubt at all." "Those doubts," said his Lordship on another occasion, "were constitutional, nor could he by any means shake them off," but that they arose from a desire "to judge rightly after the fullest consideration," nobody will *doubt*.

How different stern THURLOW thought and spoke,
Firm and unbending as the "gnarled oak,"
Ne'er from his purpose shaken by a wind,
Who, if a doubt e'er chanced to cross his mind,
Would (if he could not straight that doubt undo)
With brave decision—cut the knot in two.

Thus suit on suit piles up, from year to year,
Like the vast masses of some huge glacier.
With boundless zeal, in vain from day to day,
He toils to clear the growing heap away,
Toil as he may, reduce it as he will,
Alas! the mountain is a mountain still.

So the loose soil, on MAM TOR's* shivering sides,
With slow unceasing course, for ever slides,
And wastes, or seems to waste, its bulk for years,
Yet grows again unseen, and never less appears.

* Mam Tor—or the "Shivering mountain," as it is commonly called, is about two miles from Castleton, in Derbyshire. It was formerly a military station, being 1300 feet above the level of the valley.

The title of "shivering mountain" is derived from its *shale* continually decomposing under the action of the atmosphere, and falling in large quantities down the face of the precipice, into the valley below, the rushing noise of which is sometimes so loud as to be heard at Castleton. This shivering of the grit and shale has been going on for ages, and hence it is supposed to have suffered no diminution in bulk, which however must be a vulgar error.

Guardians of Britain's glory ! ye who keep
Eternal vigils while her children sleep,
Who send our seamen and our ships to roll
In Hyperborean seas around the pole !
O while such distant honours ye foredoom,
Leave not so much, good Lords, undone at home,
But quitting unknown seas, and straits, and streams,
Which no where flow but in your waking dreams,
Take soundings in that vast, that boundless sea,
The *mare mortuum*—of Chancery !
Where, lost in fogs impenetrable, lie
Regions yet unexplored by human eye ;
And though he ne'er saw light—nor ever may,
Through such a chaos who could make his way,
Yet crown with meet reward *his* daring deed,
Who in the bold attempt shall best succeed ;
Then should some future hero persevere,
Like dauntless BAFFIN* in his bold career,
O may he find, in some remote degree,
A north-west passage through this mighty sea,
Reach what may well be called immortal bounds,
And snatch from Ross† the twenty thousand pounds.

* Baffin—who first discovered the large gulph since known by the name of "Baffin's Bay."

† Captain Ross sailed on a voyage in search of "the North-West Passage," in May, 1818, and returned in November—*re infecta*. Captain Parry went out on a similar expedition in May, 1819, and returned in November, 1820, with greater success, having penetrated 550 miles further

But lo ! in crowds of every cut and size,
 Like snow-topp'd mountains, wigs o'er wigs arise,
 "Thick as autumnal leaves that strew the vale,
 "When rains descend, and blustering winds prevail."
 Whose catalogue of owners would appear,
 Dull to call over to the jaded ear,
 As Homer's list of heroes and their ships,*
 Which the impatient reader always skips.

Halt then, my Muse ! no more the theme prolong,
 But cease—and leave the rest to future song.
 The rest whose wisdom lies in wig and gown,
 To future fame ne'er destined to be known,
 Whose leaden speeches, without aim or end,
 (As heavy bodies to their centre tend,)
 To dull oblivion silently descend,

than his predecessor ; and asserted the Polar sea to be navigable. Captain Parry gained the reward of £5000 offered by Government, and is now out on another similar voyage, for which he has shewn himself peculiarly qualified. God speed him well.

* The great bard himself seems alarmed at the difficulty of calling over this tremendous muster roll.

Πληθυν δ' οὐκ ἂν ἐγὼ μνησσομαι οὐδ' ὀνομηνῶ,
 Οὐδ' εἰ μοι δέκα μὲν γλωσσαι, δέκα δὲ στοματ' εἶεν,
 Φωνὴ δ' ἀρρηκτος, χαλκεον δὲ μοι ἦτορ ἐνεῖη,
 Εἰ μὴ Ὀλυμπιαδὲς Μοῦσαι, &c. HOM. IL.

Which Pope thus paraphrases with less than his usual diffusion ; though with enough of amplification :

"To count them all demands a thousand tongues,
 A throat of brass, and adamantine lungs !
 Assist ye Muses, &c."

And there forgotten sink in sullen mood,
 Lost like a drop in ocean's mighty flood.
 Yet still who, day by day, with endless pains,
 And lacking nothing upon earth—but brains,
 Harangue whole hours without one happy hit,
 One flash of genius, or one spark of wit,
 Whose drift appears—if any drift exist—
 Like lamps that glimmer through “*a city mist*,”
 Whose doubtful rays the stranger's steps betray,
 And only serve to make him lose his way.

Hail WINSOR,* hail! thou wonder-working wight,
 Destin'd to make Cimmerian darkness bright,
 And by the potent force of genius raise
 The fitful gleam into a brilliant blaze.
 Thee, tradesmen, reeling from their clubs by guess,
 With unfilch'd pockets, and clean garments, bless ;
 Thee science loudly lauds, and art commends,
 That light that every honest man befriends.
 Drury's frail nymphs regard it with a frown,
 And lurking *Prig*† unite to cry it down ;
 Fat cooks and greasy chandlers join the cry,
 And roundly wish thee at the devil ! Why ?
 For wheresoe'er thy lustrous rays are thrown,
 Farewell to trade ! their “*occupation's gone*.”

* Celebrated for his introduction of gas-light into use.

† *Prig*—a cant word for thief.—*Grose's Cant Dict.*

Great luminary ! on thy radiant way,
Roll on, as rolls the glorious orb of day.
Thy prototype—as yet thy bright career
But dawns upon our darkling hemisphere,
Destined ere long to chace the shades of night,
And pour one universal flood of light
O'er Britain's realms.—Say, shall we hope to see
An *intellectual gas* prepared by thee ;
And in thy course—so happily begun—
With taverns, streets, and shops, when thou hast done,
For far sublimer purposes design'd,
Shall then thy gas illumine the human mind ;
Shall Bishops, Priests, and humble Deacons—all
For WINSOR's patent gas-light have a call ;
And what has yet been dreary, dull, and dark,
Shine brightly with the true æthereal spark ;
While wondering hearers, as they rub their eyes,
Will scarce believe their senses for surprize,
And like the blind, restored to sudden sight,
With transport bless—yet almost doubt the light.

To thee each son of Pœan shall repair,
For vials of thy medicated air ;
And ere careering on his daily rounds,
From street to street his rattling chariot sounds,
Snuff'd up his nasal tube—the subtle gas,
Through the dark chambers of the skull shall pass,

"Swift as the collied lightning" of the night,
 And from one focus pour its piercing light ;
 From each opaque resisting medium free,
 Full on the brain—or where the brain *should* be.
 Then shall the vapours dull, that thickly shroud
 Poor *Pia Mater* in a dense dark cloud,
 Melt like the mists of morn before the sun,
 When from the East his fiery coursers run.
 Then shall the jumbled atoms of the mind
 Form into shape and range themselves in kind ;
 Phthisis and hydrops, and " Marasmus dire,"
 Each to its proper section shall retire ;
 Mix'd recipes in rank and file shall range,
 Like raw recruits, all wondering at the change.
 The pill—the drop—the draught—the bolus tart,
 All take " close order" and yet keep apart,
 And luckless A, by sad fatality,
 No longer swallow what was meant for B !

But O ! whoe'er thy precious boon may share,
 Let *Lan's* behoof be thy peculiar care.
 Full in the centre of her hazy sphere,
 Fix firm and fast a prime gasometer ;
 And thence thy sunbright radii diffuse
 By tubes invisible, and winding flues,
 Through its dark paths and mazy avenues.

}

Pierce the pale special pleader's gloomy cell,
And light the bench where ermined judges dwell ;
Sitting in judgment on strife-loving crowds,
Like Homer's gods—amidst eternal clouds.

Then shall each Sergeant, "learned in the law,"
No more o'er lengthy pleadings hum and haw,
And at each ebbing of the wordy flood,
Be left—*proh pudor*—sticking in the mud ;
To stand without a sentence, *pro* or *con*,
A laughing-stock for idle lookers on.

Then, while each judge no longer stuffs his head,
"With all such reading as was never read,"
Year after year fags to digest, in vain,
The learned lumber that o'erloads his brain.
And as, conjesting round his jobbernoll,
Thick and more thick the darkening vapours roll,
Mix'd with such gleams as but increase the gloom,
And serve to shew the horrors of his doom.
Lo ! thy famed gas, like Rembrandt's lights divine,
O'er the dark shade shall pour a radiant line ;
Each latent beauty on the canvas show,
In soften'd chiar'oscuro's melting glow ;
And guide his eye with clearness to explore
All that was "darkness visible" before.

And embryo statesmen then, who nightly bawl,
For Britain's welfare, in St. Stephen's Hall,
While clouds of nonsense roll—a mighty mass—
May feel the electric power of WINSOR's gas ;
Which, though its brightest blaze can never clear,
To mortal eye, that hazy atmosphere,
Through strata of sheer ignorance, thick and dull,
May haply penetrate some patriot's skull ;
Or feeble fitful glimmerings may shed
Through the vast hollow of some placeman's head.
Then, for a wonder ! may we live to see
Complying Tories and staunch Whigs agree ;
And both unite, at length, with heart and mind,
To labour for the welfare of mankind ;
Whigs act a pure disinterested part,
And, with the general weal alone at heart,
On place or pension ne'er bestow a thought,
Nor care a jot who's in or who is out ;
And Ministers—that rarest of all cases—
For their dear country's good—give up their places !

Then too, shall bards, who write for deathless fame,
Catch inspiration from the powerful flame,
As fumes of nitrogen inhaled diffuse
Their essence through the body's finest flues,

Raise the dull spirit from its clay-bound bed,
Up to that spacious vacuum—the head ;
Where, like a joyous drunkard o'er his bowl,
It reels and revels round without controul.
While the rapt patient, with unbridled mirth,
And bursting* fits of laughter, spurns the earth ;
And borne by sylphs and zephyrs, in a trice,
Lights on that bless'd domain—Fool's Paradise.
So shall thy gas ascend the poet's brain,
Each pulse a feeder—and a flue each vein ;
“ With a fine frenzy” fire his rolling eye,
Glancing from sky to earth, from earth to sky ;
While from his raptured fancy's “ pictured urn,”
He scatters “ thoughts that breathe and words that
burn ;”
And pours a strain in mortals' ravish'd ears,
Sweet as Æolian harps, or music of the spheres.

Nay then, no more, with dullness fill'd and spite,
Will selfish blundering play-house critics write,
And vend their daily puffs, or vent their spleen,
On plays and players which they've never seen ;

* The gaseous oxide of nitrogen, when mixed with atmospheric air, produces the most extraordinary effects on the human frame, one of which is, a violent and uncontrollable propensity to laughter.

Driving in paragraphs a pretty trade,
 Fair or unfair—according as they're paid.
 Then Managers shall, more faithful to their trust,
 Discharge their debts, and manage to be just ;
 Learn to distinguish, clear as the noon-day,
 A melo-drama from a genuine play ;
 Nor, when they take an author's work to read,
 Keep him for months—pining perhaps in need—
 To kick his keels in vain from day to day,
 Then tell him they've mislaid or lost his play ;
 Leave him to curse his fate, and to deplore
 Their base injustice—till the *season's* o'er.*

Last, in thy system's wide extent and scope,
 O WINSOR, let us dare to hope
 Some rays of thy reflected light may fall
 On the dun disk of that Saturnian ball,
 Where, pent in caves as dark as DANTE'S hell,
 Critics, *perdue*, like lurking dæmons dwell ;
 And, from the deep alembic of the mind
 Distil their deadly poison for mankind,
 To be exhaled by fits, like noxious dews,
 In monthly magazines and dire reviews,
 Blighting each leaf and flow'ret of the Muse !

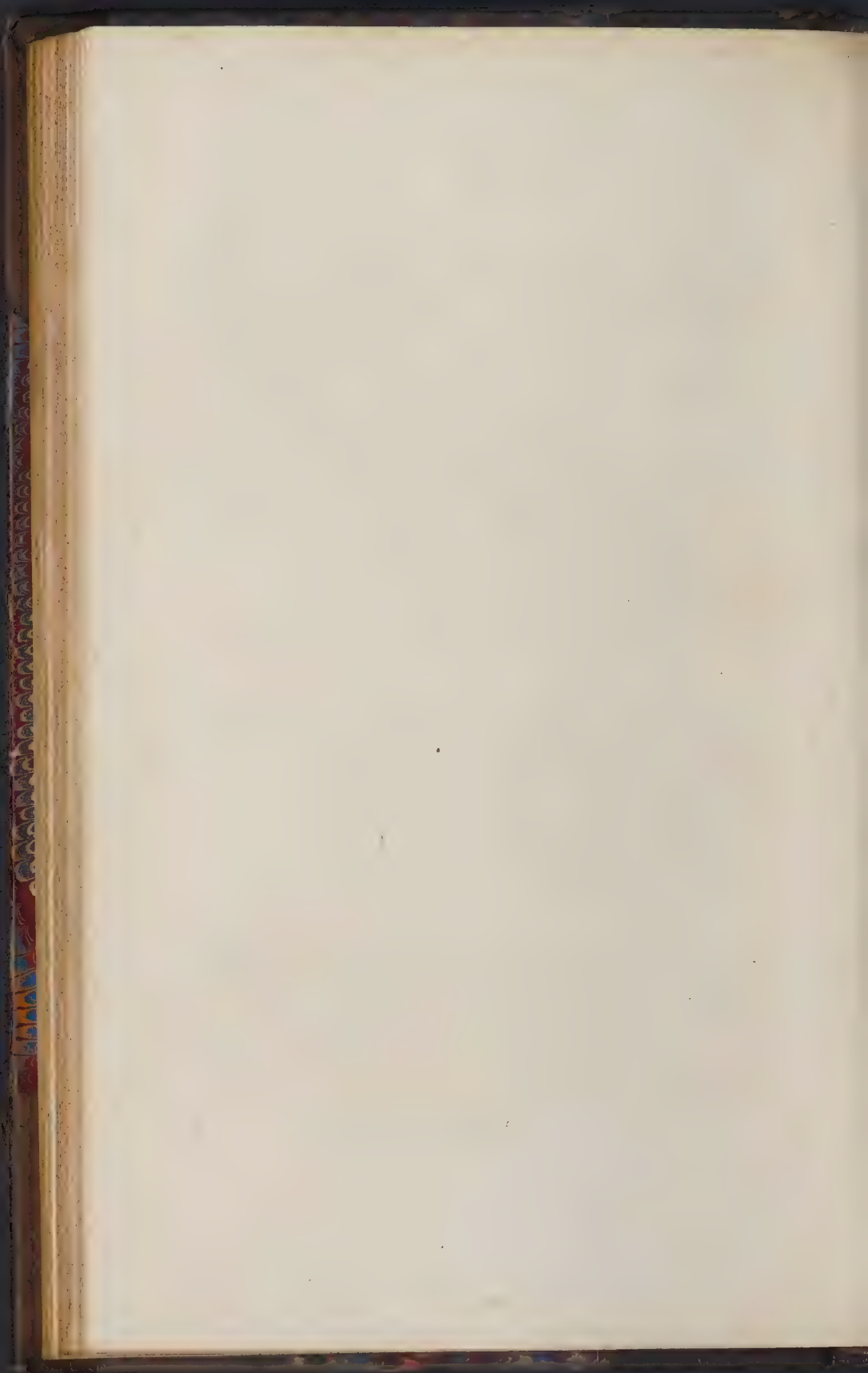
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* Vide Appendix G.

Illumined by thy pure and lambent light,
What wrong, before appear'd, may then seem right,
And from their lurking holes, both south and north,
In their own proper shapes they may stand forth ;
Their dark bush-fighting warfare may suspend,
Nor their cold-blooded skill to vengeance lend ;
But, while thy rays their frozen souls expand,
Cease, with unfeeling heart and deadly hand,
That no compunction feel, no pity know,
To crush the bud of genius ere it blow ;
Nor deem it wise, amidst their dext'rous feats,
To break upon the wheel another hapless KEATS !*

Nay, e'en in mercy to the rhyming folk,
Great JEFFREY may lay down his *tomahawk*,
And haply gathering wisdom from the past,
Let "justice fairly weigh the scales" at last ;
From war and unrelenting carnage cease,
And calmly smoke the calumet of peace !

* The severity with which some of the critics treated this young poet (who, with all his faults, discovered marks of undoubted genius, which merited kinder notice), is said to have hastened his untimely end.



APPENDIX.

A.

Now—hanging an old woman for a witch!—Page 15.

The character of this great man has not been generally well understood. He has always been denominated “the pious and learned Hale,” “the just and upright judge,” &c. &c. “Roger North,” a cotemporary lawyer, who knew him well, has given us a more correct view of him, both as a lawyer and a man. A few extracts from his account may suffice:—

“He was an upright judge, if taken within himself; and when he appeared, as he often did, and really *was* partial, his inclination or prejudice, insensibly to himself, drew his judgment aside. His bias lay strangely for or against characters and denominations, and sometimes the very habits of persons. If one party was a courtier, and well dressed, and the other a sort of Puritan, with a black cap and plain clothes, he insensibly thought the justice of the cause with the latter. If the dissenting or anti-court party was at the back of a cause, he was very seldom impartial.

“It is certain his vanity was excessive when he was from off the seat of justice, and at home his conversation was with none but flatterers.

“He was allowed to be the most profound lawyer of his time, but he knew it : but that did not save him, but he would also be a profound philosopher, naturalist, poet, divine, &c.

“He was the most flatterable creature ever known, for there was a method of resignation to him, treating him with little meals, and private, with his pipe at ease, which certainly captivated him. In short, to give every one his due, there was in him the most of learning and wisdom, joined with ignorance and folly, that ever was known to coincide in the character of any one man in the world.”—*North's Life of Lord Guilford*, vol. 1.

How far the above character is compatible with that “rigorous and *impartial* justice” that has been ascribed to him, or with that humility which is the inseparable concomitant of *genuine* piety, let the reader judge.

His condemning the poor creatures to death, at Bury St. Edmund's, for witchcraft, did no honour to his understanding or his humanity.

B.

Saunders the bold, the bulky, and the strong.—Page 15.

The character of this extraordinary person is described at length by North. A few of the most prominent features may serve to give the reader some idea of the whole.

“His character and his beginning,” says he, “were equally strange. He was at first no better than a poor beggar boy, without known parentage or

“He was ambitious to learn to write, and made himself so expert a writer that he took in business, and earned some pence,” (i. e. from the attornies in — Inn, who encouraged him.)

“By books that were lent him, he became a most exquisite entering clerk, and by the same course of improvement an able counsel, first in special pleading, then at large.

“As to his person he was very corpulent and beastly ; a mere lump of morbid flesh. He used to say, none could say he wanted issue of his body, for he had nine in his back. He was a foetid mass that offended his neighbours at the Bar in the sharpest degree. This hateful decay of his carcase came upon him by continual sottishness ; for, to say nothing of brandy, he was seldom without a pot of beer at his nose.

“Wit and repartee, in an affected rusticity, were natural to him. He was ever ready, never at a loss.

“No ill usage from the bench was too hard for his hold of business, being such as scarce any could do but himself.

“With all this, he had a goodness of nature and disposition in so great a degree, that he may be deservedly styled a *philanthrope*. He was a very Silenus to the boys (students) to make them merry whenever they had a mind to it. If any near him at the Bar grumbled at his stench, he converted the complaint into content and laughing with the abundance of his wit. As to his ordinary dealing, he was honest as the driven snow, and for good nature and condescension there was not his fellow.

“I have seen him for hours and half hours together before the Court sat, stand at the Bar with an audience of students, putting of cases, and debating so as suited their capacities and encouraged their industry.

“Whilst he sat in the Court of King’s Bench, he gave the rule to the satisfaction of the lawyers.”—*Life of Lord Guilford*

He left a volume of Reports, which are still held in estimation, and of which a new edition, with notes, by the late Sergeant Williams, was published a few years ago.

C.

Sat brutal Jefferies—savage as a bear.—Page 18.

Of this judge North says, “he had extraordinary abilities, and but little acquired beyond what practice in affairs had supplied. He talked fluently and with spirit, and his weakness was that he could not reprehend without scolding, and that in such Billingsgate language, as should not come out of the mouth of any man. He called it *giving a lick with the rough side of his tongue*. It was ordinary to hear him say, ‘go, you are a filthy, lousy, knitty rascal,’ with much more of the like eloquence.

“He seemed to lay nothing of business to heart, nor to care what he did or left undone. Many times, on days of causes, at his own house, the company have waited five hours in a morning, and afterwards he hath come out inflamed and staring like one distracted. And that visage he put on, when he animadverted on such as he took offence at, which made him a terror to offenders, whom also he terrified with his face and voice, as if the thunder of the day of judgment broke over their heads.”

He then instances an attorney, who, on the Chancellor’s name being mentioned, had said, “The Lord Chahcellor ! why I made him,” meaning his being the means of bringing him early into business. When an affidavit to this purport was read, “Well,” said his lordship, “then I will lay my

maker by the heels!" and with this conceit he sent one of his oldest and best friends to gaol. So much for his general conduct and manners as a Judge. For an account of his judicial butchery of the prisoners after the Rebellion of Monmouth, see *Hume's History of England*. This special Assize (which James II. facetiously called "Jefferies' Campaign,") procured him the title of "bloody Jefferies." He died, soon after the abdication of his royal master, of the wounds he received from the mob on that occasion.

A writer, in a popular and excellent periodical work,* says of this brutal and inhuman Judge, "that there was something of human warmth within him that redeemed him from utter hatred." On the contrary, he lived feared and detested, and died universally execrated, *monstrum, nulla virtute redemptum*.

D.

Came Mansfield, wiser, greater than they all.—Page 19.

This great Judge was early distinguished as "a prompt, perspicuous, and eloquent pleader," and rose rapidly to the summit of his profession. His personal graces and accomplishments attracted universal attention at the outset of his brilliant career, so much so, that Pope, then at the height of his reputation, and not a little fastidious in his choice of friends, dedicated one of his most finished imitations of Horace to him. In this epistle, however, that great poet could say nothing better of his admired friend than what is contained in the celebrated couplet, often quoted as a striking example of the "art of sinking," which he has so successfully ridiculed in other poets of the day.

* Retrospective Review, vol. 2.

Graced as thou art, with all the power of words,
So known, so honour'd, at—the House of Lords.

The chief scene, however, of Lord M.'s glory was in the Court of King's Bench, where he presided for upwards of thirty years, with the highest reputation, having, from the first of his sitting there, introduced a regularity and despatch of business, before altogether unknown; and such was the correctness of his decisions, that, "except in the case of Perrin Blake," as Burrow says in the preface to his reports, "and the case of Literary Property," there had not been from 1756 to 1776 a final difference of the court in any case or upon any point whatever; and it is equally remarkable, that, excepting these two cases, no judgment given during the same period had been reversed either in the Exchequer Chamber, or in Parliament, and even these two reverses were with great difference of opinion among the Judges.

The letter addressed to this eminent Judge by the Bar, on his resigning his office as Lord Chief Justice, and his Lordship's answer, are too well known to need repeating.

E.

Bids thee, with conscious pride, Hail and Farewell.—Page 38.

The subject of these lines is admitted on all hands to have been one of the most eloquent and successful advocates that ever appeared at the bar, where for a great length of time he stood unrivalled, and shone among his cotemporaries.

Some of his published speeches even, are eminently beautiful; but the form and feature—the thrilling voice—the fire and animation—the expression—the look—the soul flashing through the eyes—all these are wanting, the effect

of which can only be imagined and felt by those who have heard them.

This great and *genuine* orator is the only one on record who ever dared to try the experiment of enforcing his argument by the introduction of an oath, and is perhaps the only one who *could* have done it with success. This extraordinary *burst* occurred in his celebrated defence of Lord George Gordon, and has been thus frequently related—"After reciting a variety of circumstances in his Lordship's conduct, and quoting the language he had used—the orator suddenly, abruptly, and vehemently exclaims, "I say, BY ***, that man is a ruffian who shall, after this, presume to build upon such honest artless conduct as an evidence of guilt!"

"The sensation," says the recorder of this highly dramatic scene, "produced by this exclamation, and by the magic of the voice, the eye, the face, the figure, and all we call the manner with which they were uttered, was quite electrical, and baffled all power of description."

With Mr. Erskine the true eloquence of the English Bar may be said to have disappeared. Since that period the business of the Courts has increased to such a degree, that a less rhetorical and elaborate style became absolutely necessary: and accordingly the advocates of the present day, in general, condense their addresses to juries, and contrive to do as much business as possible, in as little time, a method encouraged by the Bench, and approved in general by the suitors, with a few exceptions, for there will always be some of opinion—

"That he who sings the LONGEST, sings the best."

F.

My Lord himself unbends, and drops a pun.—Page 60.

Those, who imagine the Court of Chancery to be a scene of unvarying gravity and dullness, are quite mistaken. On the contrary, there is frequently more innocent merriment to be found there than in all the other courts put together. “Quips and quirks, and wreathed (perhaps we should say) *wrinkled* smiles” abound, and one of my Lord’s witty remarks, and above all his admirable puns, are enough to set the whole court in a titter of good humour for a whole day. As Falstaff was not only “witty himself, but the cause of wit in others”—so his Lordship is not only a capital punster himself, but the cause of punning in others. The mania spreads, and such is the rivalry excited amongst the Chancery men, that it may often be fairly called a modern “pun-ic war !” The Opera-House was an almost inexhaustible subject. A vast variety of other cases might be mentioned, affording similar opportunities for the exercise of their pun-ical wit. The following will give some idea of one of these exhibitions.

PATENT HAIR BRUSHES —*Metcalf v. Thompson.*

Plaintiff has a patent for hair brushes of a particular sort. Defendant was selling, without license, brushes of the same kind.

No Counsel appearing for the plaintiff, Lord Chancellor said, “this injunction must *be brushed off*, unless some Counsel be here soon to support it.”

When Counsel came in, Sir Samuel Romilly, who opposed the patentee, produced an old brush, which had been used

by a wig-maker, &c. for above thirty years, which was exactly the same in principle as the patent brush.

Lord Chancellor—"Is it a *fox's brush*?" (The owner of the brush is called Fox.)

Sir Samuel—"It is, my Lord."

Lord Chancellor—"Shew me the brushes."

Here, four-head-brushes, one long broom, one knee-buckle brush, and three clothes brushes were handed up to his Lordship. Nothing was heard but peals of laughter. The only two grave persons in the Court were Messrs. Metcalfe and Thompson.

Sir Samuel—"Now, my Lord, ingenious as the construction of these patent brushes may be, your Lordship will find that it is exactly the same as this brush of my friend Fox, which has been used for thirty years"

Lord Chancellor—"Hand me up this old Fox's wig; really this antique looks uncommonly well."

Mr. Treslove—"Your Lordship will see, by looking at it, that it is the same *to a hair* as the patentee's brushes; only they look a little fresher."

Lord Chancellor—"That is, Mr. *Tress-love*, because they are younger. I have examined this old brush, and I see it is a curiosity of the kind; but when you and I get as old, and our *tresses* have been as well worn, we shall perhaps look as antique."

Mr. T. said, he had advised his client "not to shew his brush."

Lord Chancellor—"Then I must say that you, being a *pursuer*, were at *fault* there; for if an injunction is granted by this court, the article on which such an injunction is granted, must be lodged with the master. I

remember, in a case of waste, that a person actually *fixed an oak tree* to an affidavit he had made, to shew the Court of what nature the trees in question were." (A loud burst of laughter.)

So much for the humour of one of the most profound lawyers of the present or any other age. One other specimen is too good to be overlooked.

Sherwood and Others v. Pierce Egan.—Injunction to restrain the defendant from publishing an additional volume of a work called "Boxiana."

When the motion was made, his Lordship observed, he had often heard of Boxers being "in Chancery." A term used by boxers when one of the combatants gets the head of his opponent fast under his left arm.

Mr. Shadwell stated the case.

Lord Chancellor—"Have you got any affidavit, or are you going upon what is called 'the fancy?'"

Mr. S.—"I have an affidavit, my Lord."

After some discussion, his Lordship asked Mr. Egan "if he could not alter his title-page."

Mr. Egan said he could, and though the learned Counsel had been very *striking* in his address, yet he thought he would not, after all, be able to *make a hit*.

Lord Chancellor—"Well, but really I think, Mr. Egan, that by a little alteration in your title-page, you might *hit* Mr. Shadwell fairly out of Court."

Mr. Egan said he would take his Lordship's advice, and Mr. Shadwell hoped he would dedicate the volume to his Lordship.

And again, in *Murray v. Rundell*, 1821. The subject a Cookery Book. After Mr. Murray's letter to the defendant was read,

Lord Chancellor—"That's good cookery."

Mr. Shadwell, after a long argument, concluded thus—"So that the effect of the two injunctions was, that Mrs. Rundell would be restrained from publishing such parts of the work as belonged to Mr. Murray; and Mr. Murray would be restrained from publishing at all."

Lord Chancellor—"Then we shall have no dinner at all."

Mr. Shadwell—"Just so, my Lord—too many cooks have spoiled the broth."

G.

Their base injustice till the season's o'er.—Page 80.

Amongst the many miseries of authorship, not the least are those endured by the unfortunate playwright. This description of writers seems at all times to have suffered much from their necessary intercourse with theatrical managers. Smollett had, it seems, a specimen of this kind on some such occasion. But he was not a man to sit down quietly with it, and accordingly he resented the indignity, by giving to the world, in his usual forcible manner, a striking account of the transaction, under the character of "Melopyn," in his novel of Roderic Random. This, it is said, produced an interview with the "little great" manager (Garriek), with whom he had to do, and a reconciliation ensued, with no great sincerity probably on either side.

In the grievous case of Mr. Bucke with the famous committee of the Drury-Lane theatre, he gives a lamentable detail of his negotiations with them, on presenting a play of his for acceptance. It is too long even for abridgment.—Suffice it to say, that after keeping the unfortunate author

in suspense for a whole season, he had the mortification of being told "that his play had been mislaid, and could not be found."

But the miseries of a playwright, even after his piece is accepted by the manager, by no means terminate. Goldsmith, after the first representation of his comedy, "She Stoops to Conquer," (which was successful), said he had been sitting for two hours on a barrel of gunpowder.

The celebrated Goldoni, who seems to have had some experience of this kind, gives the following lively description of it.

Con.—"Oh poeta mio! vi sono schiavo. (A Guglielmo) siete qui per fare alcune delle vostre opere?"

Gug.—Padrone mio riverito.

Livia.—Anche poeta? (Verso Guglielmo.)

Aur.—Sì, è poeta. Non lo sapete?

——— Oh! questa è una bella professione!

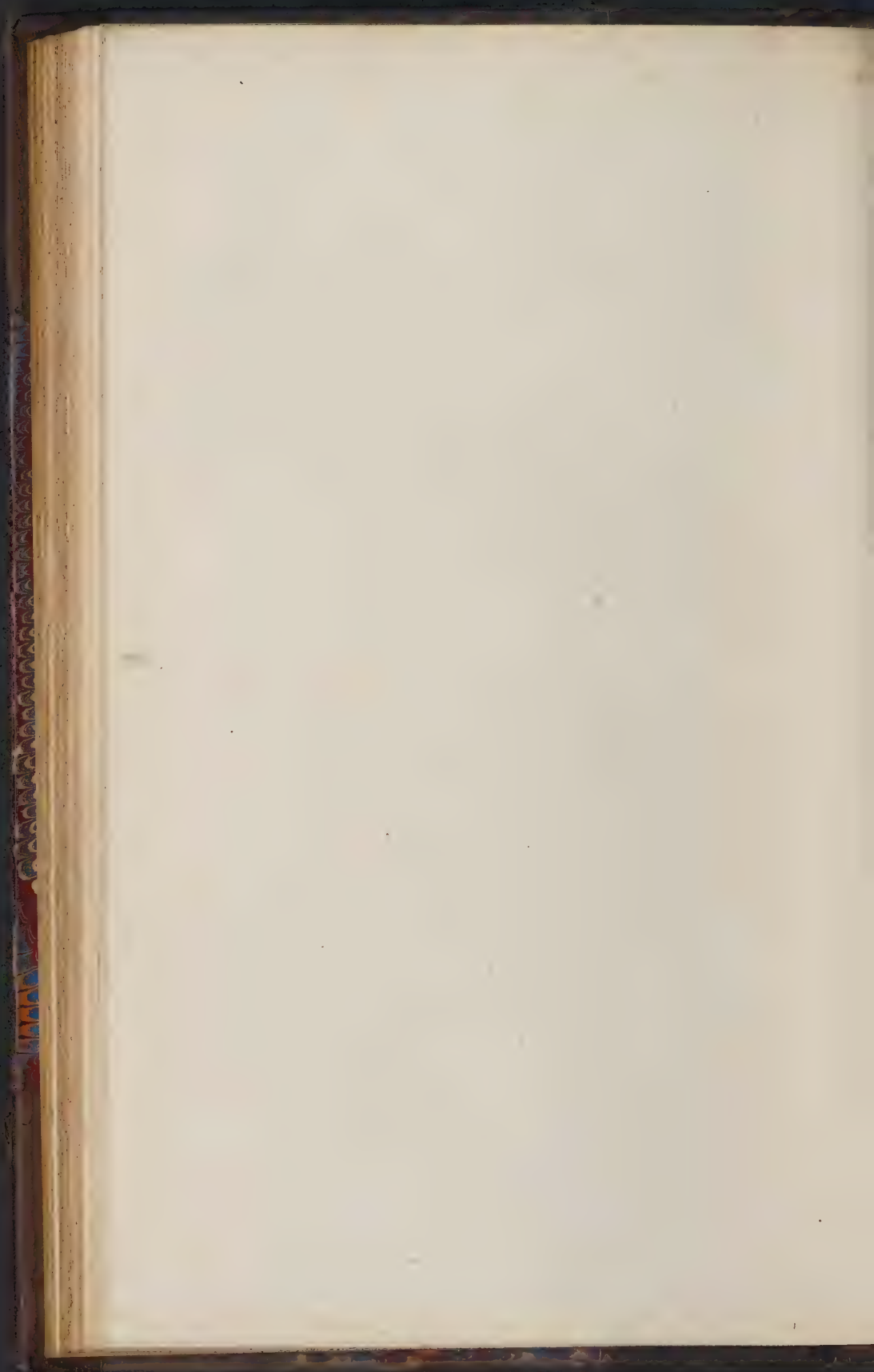
Liv.—Questo è un mestier dilettevole.

Gug.—Il comporre per i teatri, lo chiamano bella professione, mestier dilettevole? Si sapessero tutto non l'intenderebbono già così. Di quanti esercizi ho fatto, questo è stato il più laborioso, il più difficile, il più tormentoso. Oh! l'è pure ladura cosa, faticare, sudare, struggersi ad un tavolino, per far una teatrale composizione, e poi vederle gettur a terra, sentrila criticare, lacerare, e in premia del sudore e della fatica aver de 'rimproveri, e de dispiaceri." &c. &c.

L'Aventuriere, Atto primo.

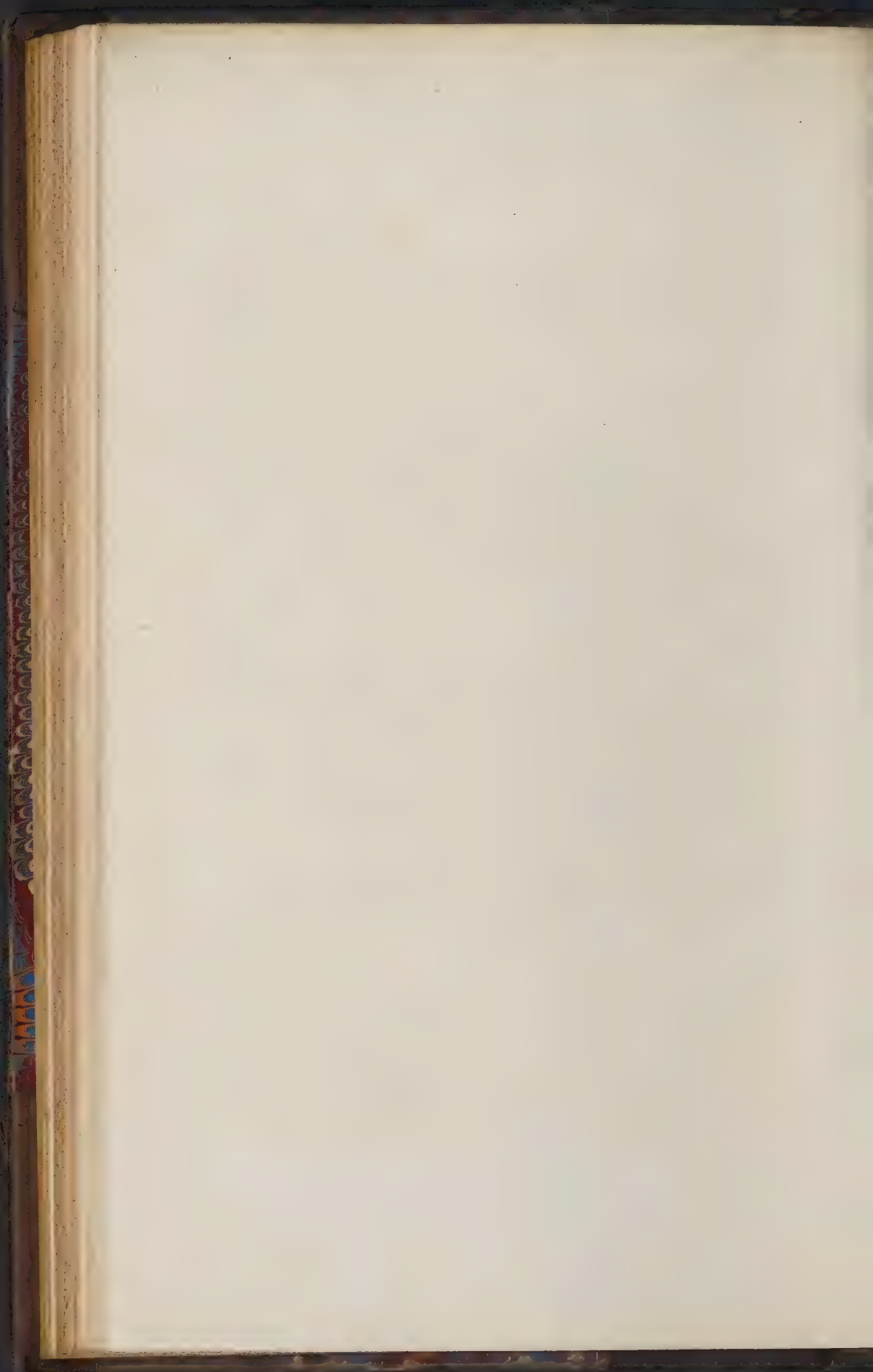
THE BAR.

PART II.



ARGUMENT.

Vacation—Breaking up of the Courts—Barristers quitting the Inns of Court for the different Circuits—Unhappy case of one left behind—The Muse taketh a flight to the Northern Circuit, and alighteth on the banks of the Ouse—Arrival of the Judges—Cavalcade of the High Sheriff, City Sheriffs, Lord Mayor, and Corporation, to meet them—Appearance in the city—Night closeth the scene—Sunday Morning—Citizens and Strangers mingling in the streets—The tolling of church bells—The Minster—A solemn apostrophe to that magnificent structure—Afternoon—The arrival of Counsel—Attornies, &c. &c.—Monday Morning—Opening of the Courts—Retrospective view of several eminent lawyers defunct—Wallace—Bolton—Davenport—Law—Cockell—Sketches of others of the present day—Topping—Scarlett—Brougham—Raine—Baron Hullock—Heywood—Richardson—Mr. Justice Littledale—Sergeant Cross—Maude—Hardy—Wailles—Walker—Walton—Tindal—Jones—Starkie—Park—Pollock—Holt—Alderson—Blackburn—Address to Junior Counsel—Conclusion.



THE BAR.

PART II.

The Northern Circuit.

VACATION comes! The courts break up at last,
And the great "sittings after term" are past!
Grave gownsmen, now, of every degree,
Forth to the circuits haste with mickle glee,
While as by various tracks, like rooks they fly,
To all the different quarters of the sky,
The "Inns," deserted by the sable train,
Like old forsaken rookeries remain.

Unhappy he who cannot "raise the wind"
But in close chambers must be left behind,
Seldom abroad—to take the air afraid,—
Some doctor's or some tailor's bill unpaid!
For now no change diversifies the scene
That spreads before him in his "cave of spleen;"

Like some poor traveller, on a desert cast,
He looks with horror o'er the boundless waste,
Joyless he views the blazing sun on high
And prays for clouds to cool the sultry sky;
No blessing does he count the radiant heat,
That melts him when he scours the dusty street,
Or flaming on the windows of his cell,
Makes it a hot-house, or a little hell,
Where imps of darkness, lurking in disguise,
Of "declarations"—special pleas—replies—
Rejoinders—sur-rejoinders and demurrers—
"Puzzled with mazes and perplex'd with errors,"
In every nook annoy his troubled sight,
Vex him by day, and harass him by night,
For e'en when as that welcome night draws nigh,
(Escaped from pestering dun and bailiff sly)
In balmy sleep's oblivious repose,
He hopes his troubles and his eyes to close,
Still haunted with the soul-tormenting themes,
JOHN DOE appears the hero of his dreams!
Lo! the grim goblin squats upon his breast,
Presses his lungs, and breaks his silent rest!
In vain, half-wake—he heaves, and tries to scream,
Pinches himself—and thinks "'tis but a dream!"
He drinks his breath—stifles his struggling cries—
And laughs with hideous grin and goggling eyes,

Till nature, with an effort of despair,
Shakes off the phantom, which dissolves in air !

From scenes like these, that shock the troubled
sight,

The Muse with gladsome pinions takes her flight,
Far to the North she wings her rapid way,
Where Ouse meanders o'er his bed of clay,
And EBOR's lofty pinnacles arise,
In gorgeous splendour pointing to the skies !
Where law extends her wide capacious sphere,
And tries to deal out justice twice a year,
There to attend, and watch with anxious view,
The arduous course her learned sons pursue,
And true to her vocation's end and aim,
Record their honours and attest their fame.

Hark ! what loud clangors echo round and round !
Mail-coach horns blow, and brazen trumpets sound,
And flying crowds in tumult throng the street,
In eager anxious haste " My Lord " to meet.
And lo ! surrounded by the motley throng,
The grand procession slowly moves along !
With lanky arms, wan cheeks—and hollow eyes,
And bodies fleshless as anatomies,
Lean scraggy necks on which each head is seen
Nodding just like a " Chinese Mandarinine,"

With legs so feeble, tottering, and slow,
 They scarce can bear their bodies as they go,
 Twelve halberd-men (the city guard!) appear,
 Some in the van, and others in the rear,
 Trembling beneath the weighty arms they bear!
 (Heaven! how unlike the halberdmen of old,
 Mighty as giants, and as lions bold,
 Emblems of British valour and good cheer,
 Who ate "bluff HARRY'S* beef, and drank his beer,
 Or squared their brawny chests in glittering ranks
 When great ELIZA graced proud Thames's banks.)†

They, of the van, announce the grand approach,
 (Meet avant-couriers of the Sheriff's coach,)
 While the rear-guard, like bees in compact swarm,
 Protect the Judges—and the coach from harm!
 Follow the City Sheriffs in full bloom,
 And portly Aldermen in grand costume;
 While gentlemen—hight of the "Twenty-four,"†
 And Common Council-men, like torrents pour.

* Henry the Eighth.

* "The Yeomen of the Guard, the tallest and most handsome men whom England could produce, guarded with their halberts the passage from Palace Gate to the river side." *Kenilworth*, v. 3. This passage, though extracted from a romance, is strictly historical.

† Gentlemen of the "Twenty-four" are those who have served the office of Sheriff. Of Common Council men there are seventy-two, being eighteen for each of the four wards.

In the gay scene of splendour and parade,
Behold, amidst the dazzling cavalcade,
Brilliant above the rest, beyond compare,
That greatest of all mortals—"My Lord Mayor!"
His glittering equipage delights the eye,
His splendid liveries with the Sheriff's vie;
And by the well-fed coachman kept in check,
Each proudly conscious steed, with rainbow neck,
As ever and anon the trumpets sound,
Champs at the frothy bit, and paws the ground.
Onward they move amidst the growing mass,
Till through the wedging crowd they scarce can pass,
While, from the windows that o'erlook the way,
Fair groups of lovely dames their charms display;
With graceful forms, sweet smiles, and sunbright
 eyes,
Sparkling with pleasure rank o'er rank they rise,
Piercing the hearts of beaux, who, from below,
Gaze at their beauties and forget the show!
Then, both at Judges, Sheriff, and Lord Mayor,
John Bull indulges in a glorious stare,
Dogs bark, and children shout, and rend the }
 ambient air!

At length the show is o'er, the din subsides,
Slowly the mob retires like ebbing tides,

And the vast hubbub dies upon the breeze,
Like the low murmuring sounds of distant seas ;
Night comes with solemn step, and over all
Throws her dark mantle, like a sable pall ;
And now, (first taking care to get well fed),
The ministers of justice go to bed ;
And there, no more with weighty cares oppress'd,
Refresh their weary limbs with needful rest.

'Tis Sunday morn ! and, crowding every street,
Brisk clean-faced citizens each other greet ;
And strangers, gazing round with curious eye,
At every corner some fresh wonder spy ;
Till, with the vast variety oppress'd,
The mighty king* of all absorbs the rest.

Now, sounds discordant, with eternal toll,
From forty steeples, through the city roll ;
And, loud above the rest, with solemn swell,
Peals the deep thunder of the Minster bell !

Hail ! glorious fabric of the "olden time,"
Whose wond'rous structure, crown'd with towers
sublime,

* Cathedral.

Still, like some giant's frowning form appears,
Mighty and strong beneath the weight of years ;
In majesty still mocks the tempest's rage,
And the destroying silent waste of age.
Stupendous monument of human skill,
How do thy sacred walls the bosom thrill,
And solemn thoughts of days gone by impart,
That strangely move the mind, and fill the swelling
heart.

O who, when musing 'midst thy lonely aisles,
(While thought, the soul from human care beguiles,)
Can view thy gorgeous windows, "richly dight,"
Shedding around a "dim religious light ;"
Thy tombs, where human grandeur sleeps in dust,
And, as in mockery, stands the silent bust,
Whose cold expressive silence, 'midst the scene,
Sadly announces that such things *have* been ;
Or who, in solemn mood, can softly tread
Amongst those "frail memorials" of the dead,
While heavenly strains of music float around,
And human voices* join with thrilling sound

* A late traveller thus notices the effect produced by the human voice in sacred music :—"Of musical instruments, the organ only is admitted into St. Peter's, or rather into the Papal chapel, and even that, not always ; voices only are employed in general, and as these voices are numerous,

The swelling diapason, as they raise
 The "pealing anthem," and "the note of praise ;"
 Nor feel each grovelling wish, each vain desire,
 Within the breast without a sigh expire,
 And every thought, as if on angels' wings,
 Rise far above all sublunary things,
 With the soul's homage, free from earthly thrall,
 In trembling hope before the God of all.

Ah ! fond mistake—we look for such in vain,
 They are mere phantoms of the poet's brain.
 Or are—if they exist—so thinly strew'd,
 That they are lost amongst the vulgar crowd,

perfect in their kind, and in thorough unison with each other, and as the singers themselves are concealed from view, the effect is enchanting, and brings to mind the celestial voices

"In full harmonic numbers join'd,"

that sometimes reached the ears of our first parents in Paradise.—*Eustace's Classical Tour through Italy*, v. 2.

Undoubtedly there is no instrument so beautiful as the "human voice divine." A piece of Mozart or Beethoven, as performed at the Opera-House, may astonish and delight, but the effect of the sweet and tuneful voices of five thousand charity children singing "Luther's Hymn," or, the "Old Hundred," under the stupendous vault of St. Paul's, is sublime and even affecting to tears; nor are his feelings to be envied who could hear them without.

"The former kind of music delights the ear, the latter, affects the heart !—

"Il cantar ché nel anima se sente
 Il piu 'ne sente l' alma, men' l' orrechio."

The crowd, who only go to gape and stare,
 While oft their betters, more refined, repair
 “Not for the sermon, but the music there!”

}

But cease, my Muse, such subjects to rehearse
 Suits not the tenor of thy sportive verse!
 Then stoop thy wing, thy lofty flight restrain,
 And to more humble themes descend again.*

Now jurymen and witnesses begin,
 In various groups and clusters, to drop in,
 Bustling, hawk-eyed attornies now appear,
 Their thoughtful clients budging in the rear.
 This, in high glee, with joyous hope elate,
 Regardless of the dark decrees of fate,
 Eats, drinks, and talks from morn to night, “at speed,
 And “never doubts at all” but he’ll succeed;
 While that, revolving in his anxious mind,
 His cause, with thoughts of those he’s left behind,
 Now, speculating on his pending doom,
 Now, “wondering—how things go on at home,”

* Non hæc jocosæ conveniunt lyræ:
 ————— desine perversa
 Referre sermones deorum, et
 Magna modis tenuare parvis!—*Hor.*

What in his tedious absence may befall,
And wishing he had never come at all !
Now Barristers of all degrees approach
By units, pairs, and prials—by mail-coach ;
Juniors inside and outside take a drive,
And *second bests* in “ neat post-chaise ” arrive ;
While the great “ leaders,” at a later hour,
Come rattling thro’ the streets, in chaise and four,*

Business begins, and every nerve is strain’d
To catch the favourite, if he’s not retain’d,
Contending parties on both sides assail,
And briefs and fees pour in as thick as hail.
Devotion’s at an end, and prayers give place
To solemn consultations on the case,
Of plaintiffs or defendants, who crowd in,
Nor deem such sabbath-breaking any sin ;
But *hold*, with lawyers, that in time of need,
Better the day, and better is the deed.

Immortal ALFRED ! statesman, warrior, sage,
Thou shining light of a barbaric age,

* The “ Commission Day,” at York Assizes, being always on a Saturday, the Counsel, Attornies, &c. generally arrive on the Sunday, and “ commence operations ” the same evening.

Shedding throughout the land its lustrous rays,
 Still burning brightly in these later days.
 Pillar of fire ! in that benighted time,
 Of more than mortal mould, thou stood'st sublime ;
 Illuming, as thy peerless glories rose,
 Thy children's footsteps through a waste of woes, }
 A cloud of thunder to thy country's foes.
 True patriot ! who in that fam'd country's cause,
 First made her people free, then gave them laws ;
 By wise gradations humanized the mind,
 And proved thyself the friend of all mankind !
 Thee lawyers hail, the wisest of the wise,
 Who first sent down thy Judges of Assize,
 (And when they took a bribe, or shew'd foul play,
 Didst hang them* *in terrorem*, by the way.)
 And call'd litigious suitors to appear,
 Their rights and wrongs to settle once a year.
 To keep them settled, justice vainly tries, }
 Old feuds revive, and new disputes arise,
 This threatens vengeance dire, and that defies ! }
 But few, enamour'd of " the law's delay,"
 Like the Chief Baron sweetly cry, " stay, stay !"†

* Le Mirroir de Justice, c. 2.

† The late Chief Baron Thomson had a habit of checking witnesses continually, by crying out " stay, stay !" from which he acquired the appellation of " the old staymaker."

For both in law and wine, hid in disguise,
 The mischief in th' uncertain *quantum* lies,*
 And happy he, who of such perilous stuff,
 Has first the courage to cry "hold—enough!"

Yet some there are of higher mettled parts,
 Who love a glorious law-suit in their hearts,
 For fees, strain every nerve to "raise the wind,"
 (Leaving their honest debts unpaid behind,)
 Content to go with half a coat, no doubt,
 Provided their opponent's left without.

O strange perversion of the human mind,
 That wildly leads astray one half mankind,
 In wilful error groping like the blind.
 Rabid† and fierce the Indian tiger strays,
 Yet on his kind, by instinct, never preys,

* "Uncertain *quantum*,"—thereby hangs a tale. It is said that the learned Chief was a very facetious companion over the bottle, which he much enjoyed. At one of the Judges' dinners, during the assizes, there was present amongst the party a certain dignitary of the church. When the cloth was drawn, "I always think," said the very Rev. guest, "I always think, my Lord, that a certain quantity of wine does a man no harm, after a good dinner!" "Oh no! sir—by no means"—replied the Chief Baron, "it is the *uncertain* quantity that does all the mischief!"

† *Indica tigris agit rabida cum tigride pacem Perpetuam: sævis inter se convenit ursis. Ast homini lethale incude nefanda Produxisse parum est.—Juvenal. Sat. 15.*

And, where on Greenland's coast the billows roll,
In friendly compact bears together prow! ;
But man, with rancorous hate and furious zeal,
Against his brother lifts the deadly steel ;
Covets the goods which other men possess,
And though he's made " than angels little less,"
Passes, by choice, his little span of life,
In poor hostility and needless strife.
Nay oft by mad and furious passion driven,
Rejects the light of reason, and of heaven,
And 'midst the tempest of some fierce dispute,
Degrades himself beneath the very brute !

Yet so it is, and feeble, fallen man,
His nature cannot change, do all he can.
Sooner shall change the leopard's skin so bright,
Or hands shall wash the Ethiopian white ;
Sooner shall dry the sea, the stars shall fall,
Nay, sooner (far more wonderful than all),
Shall greedy placemen, to assist the state,
Resign their births, nor murmur at their fate ;
Shall furious patriots from barking stop,
Until, like Cerberus, they get a sop ;
Doctors and lawyers cease to love their fees,
And whales to swim in hyperborean seas ;

Or, to the huge surprise of all beholders,
Helluo* forsake—a prime “cod’s head and shoulders.”

Now Monday comes, and hark! the trumpets blow,
And through the streets, with solemn pace and slow,
The Judge majestically moves along,
In awful state, amidst the gazing throng ;
And, at the trumpet’s loud obstreperous din,
The Courts fly open, and the crowd breaks in ;
While harden’d felons, startled at the sound,
In “blank confusion” wildly stare around,

* I am at a loss to know who is meant here. Pope talks of a certain Helluo of his time, who was, it seems, a lover of fish also.

“Mercy,” cries Helluo, “mercy, on my soul !
Is there no hope ? Alas ! then bring the jowl.”

My friend Mr. Alderman Marrowfat, of whom I made inquiry, could give me no satisfactory information on the subject ; “for,” said he, “were I to point out *all* those whom I know to be fond of the excellent dish in question, I might name the whole Corporation of the city of London !”

But, upon second thoughts, as the scene of this part of our author’s work is laid in the ancient and venerable city of York, perhaps some notable illustration of the passage may be obtained at that place. I shall therefore forthwith apply to that learned and almost omniscient antiquarian, the celebrated Dr. Dryasdust, [immortalized in some of the labours of the “Great *known* unknown”] who doubtless will be able (if any body can) to throw some light upon the subject ; the result whereof I hope to communicate in a future edition of “The Bar.”—*Scriblerius Tertius*.

And on eternity's tremendous brink,
Rally their senses, and attempt to think ;
And, conscience-struck, begin, with dire amaze,
To count the number of their evil days.

The Court now opens in due solemn form,
Hush'd like a murmuring calm before a storm ;
Judge, Sheriff, Counsel, in due order range,
And bows and sweet civilities exchange ;
While, to the lofty chieftains of the band,
My Lord, with gracious smile, extends a friendly
hand.

Now Fancy's conjuring rod begins to raise
The shades of mighty men of former days,
Which still appear to hover o'er the Court,
Smile at the tumult and enjoy the sport.

Lo! where great WALLACE once, like Jove in
state
And majesty, above his compeers sate ;
And, with an eastern tyrant's stamp or nod,
Ruled o'er his subjects with despotic rod.
There BOLTON show'd his broad expanse of face,
And sturdy DAVENPORT, of mulish race ;

And there, with store of wit and mirthful glee,
And joke, that never fail'd, sat famed JACK LEE!*

In later times, behold where LAW stood forth,
Yclep'd the great Goliath† of the North!

* From the hearsay account of the few veterans who are old enough to recollect those celebrated advocates.

† So *nick-named* by the late Lord Erskine.

This eminent lawyer was a very powerful advocate, and, after his elevation to the high dignity of Lord Chief Justice of the King's Bench, was considered one of the ablest Judges that ever presided there. It has been more than once asserted in the Courts, that perhaps no Judge (Lord Mansfield excepted) ever made so many decisions that have stood undisturbed. Of his Lordship, when at the Bar, the following anecdote has been related, which evinces great promptitude at "the retort courteous."—In a cause tried before Lord Kenyon, (who was on all occasions very hostile to Mr. Law,) Mr. Erskine, (being on the opposite side,) in the course of his speech, became somewhat more violent than ordinary, and made use of certain personalities not to be overlooked by a man of his opponent's temperament.—Accordingly he commenced his reply with the following happy quotation:—

"Dicta ferox, non me tua fervida terrent,
Di me terrent, et Jupiter Hostis!"—*Virg.*

In a curious trial, which took place at York Assizes, when Lord E. (then Mr. Law) went on the Northern Circuit, respecting a horse race, "rode by gentlemen," wherein the title of the winner to that appellation was called in question, his definition and illustrations of the term "gentleman," and indeed the whole of his speech, is a fine specimen of that ironical humour and promptitude in turning unexpected circumstances to "good account," for which he was particularly distinguished on many subsequent occa-

Who like a mighty torrent in its course
Swept all before him with o'erwhelming force.
Mature in wisdom, since become a sage,
That comet-like appears but in an age,
Though from the steady light he gave afar,
He shone, and long will shine, a fixed star.

Like a full harvest moon, there, next in place,
Shone portly COCKELL'S* honest round red face.
Clearness of intellect was his, combined
With vast unbounded native power of mind,
And with his great resources at command,
He grasp'd each object with a powerful hand,
Nor gave it up to either force or skill,
Till he had moulded it to suit his will.
Of consultations grave no need had he,
Who, drunk or sober, every point could see,
And when the merits of the case were told,
Would tell you of some fox-chase ten years old,

sions. His address and admirable *management* of the cause alluded to, gained his client a verdict, "to the great satisfaction of a most crowded Court, who hailed the decision with the loudest acclamations!"

See a very amusing little work called "Heraldic Anomalies," which contains a condensed but accurate account of this celebrated speech.

* See Appendix A.

Or other merry tale with vast delight,
Yet (while his client almost dead with fright,
Quite in despair, gave up his cause as lost,)
Next day was always ready at his post.

Fluent of speech, of trite ideas full,
Smoothly sententious, and correctly dull ;
Next follow'd PARK, *sed longo intervallo*,
Whose brain would probably have long lain fallow,
But, lucky chance ! just then no rivals rose,
And he must needs succeed whom none oppose.
And, luckier still, when business and hard toil
Had well exhausted the poor shallow soil,
With all a Scotsman's true sagacity,
He kept in favour with "the powers that be,"
And making to the Bench a "good retreat,"
Mounted o'er wiser heads, and took his seat.
There big with mighty magisterial airs,
And full of small vexations, petty cares,*

* Of his Lordship's "solemn trifling," the following is a most striking and inimitable specimen.

At the Special Assize at Hertford, on the trial of John Thurtell for the murder of Mr. Weare, when the Court was about to adjourn after the trial had been put off, his Lordship addressed the Grand Jury, whose attention he begged to call to a circumstance, which it was their peculiar province to consider. The Jury, as well as the whole Court, remained profoundly silent, expecting to hear a disclosure of more than ordinary importance, when his

His solemn trifling and demeanor's such,
He thinks so little, and he talks so much,

Lordship, with vast solemnity of aspect and manner, observed, that the preparations for the trial were, for the most part, judicious—extremely judicious—but that the corners of his desk had not been sufficiently rounded, inso-much that he ran a great risk of having his gown torn every time he passed to or from it! an inconvenience which he trusted would be remedied when he came again! The Jury exchanged very significant looks with each other, and it was evident that nothing but the awful proceedings about to take place, prevented the spectators from laughing outright!

His Lordship's well known irascibleness of temper, (a lamentable failing in a Judge,) is frequently manifested—*sedente curiâ*—on trivial occasions, such as scolding the Bailiffs, calling the Courts to order, &c. &c. But in the following instance it was carried to a much more formidable length.

At the Salisbury Assizes, a fellow, of the name of Hopwood, was convicted of stealing a sack of oats, for which offence this learned Judge sentenced him to eighteen months imprisonment, and hard labour. Before he quitted the dock, the prisoner had the audacity to ask how he was to recover the wages for his hard labour? The answer to which arrogant question, was, an immediate commutation of the sentence to *seven years transportation*.

In the whole annals of justice—or if the reader pleases—injustice, there is hardly to be found such another instance of the *stretch* of prerogative for the purpose of gratifying mere personal resentment. This sort of *selfish sensibility* is the more to be lamented, since his Lordship is undoubtedly on all occasions, where his own individual feelings are not concerned, both a just and a very humane Judge.

It is proper to mention that his Lordship is the author of a treatise on "Marine Insurance," which has been always held in repute. It was published in the early part of his life, and was considered to hold forth good promises of his future celebrity as a lawyer. Whether these promises have been satisfactorily fulfilled,—this deponent sayeth not.

That folks, in random speech are apt to say,
 (For wicked wits will talk do what you may,)
 It clearly proves, beyond a doubt's controul,
 That a great man may have—a little soul;
 And that in spite of all his specious skill,
 His calling would not have sustain'd much ill;
 Nor would the Bar have sunk o'erwhelmed with woe,
 Had he continued still—*in statu quo*.^{*}
 In solid worth, and learning near akin,
 Rough as two pines without, as sweet within,
 HOLROYD† with mind like glass without a flaw,
 And WOOD,‡ a “neat compendium” of the law,
 (A compound image he, like that of old,
 Fashioned with feet of clay§—but head of gold!)
 True as the season came, “pair'd off” from Town,
 And here in friendly union posted down,||

* See Appendix B.

† Now one of the Judges of the Court of King's Bench.

‡ One of the Barons of the Exchequer, since dead.

§ The learned Judge was much afflicted with the gout.

Apropos de bottes! When Voltaire once paid a visit to his friend, the celebrated Turgot, who was, as often happened, laid up in the gout; the moment he came in, he (Turgot) points to his legs, crying out—“see, my friend! the feet of clay—the feet of clay!” “Ah,” replied the wit—“and the head of gold—the head of gold!”

|| These two learned friends used generally to go down to the Northern Circuit together, on one of which occasions, in crossing Finchley Common, a man of gentlemanly appearance rode up to the chaise, and politely accosting them, requested to know “what o'clock it was.” Mr. Wood immediately

So as is sung or said in verse or prose,
Brentford's two Kings march'd smelling at one rose.

But why should we descant on other days,
And give to former worthies all our praise?
Muse of historic truth! once more descend,
And with thine aid the adventurous bard befriend,
Who bravely dares, in no ignoble strain,
Record the names that yet unsung remain,
And make them, in unfading colours, long
Live in description, and look fresh in song."

First on the muster-roll of war,
Stands mighty TOPPING—father of the Bar,*
Of him, that grateful Bar may justly boast,
Its shield, its Ajax, in himself a host.
Him, whom no power e'er awes, no force e'er bends,
To compromise his feelings or his friends,
From bitter truths who ne'er restrains his tongue,
To shelter meanness, or to wink at wrong;

drew forth a capital gold repeater, telling the stranger the hour. He then, to their no very agreeable surprise, presented a pistol, and demanded instant delivery of the watch, which was given up without venturing to *demur*. The *gentleman* then wishing them a pleasant journey, touched his beaver, and galloped off. The story being made known at York, the learned gentleman was frequently reminded of his misfortune, by the question "what o'clock is it Wood?"

* i. e. at York, when this was written.

Who, firm of purpose, with indignant strain,
The "insolence of office"* dares disdain,
And when it tramples on decorum's laws,
Stands in the gap, the champion of the cause,
Fearless goes forth with mighty hand uprear'd,
And boldly takes the lion by the beard.
A giant he, amidst the pigmy race,
Arm'd with great strength of lungs and "power of
face,"
And tongue, the dread of every rogue or dunce,
That keenly cuts both back and edge at once.
With weapons such as these, when folly shoots,
He lops the sprouts off, or grubs up the roots,
And many a half-bred would-be knave or fool
Puts down at once, by powerful ridicule.
But should some glaring vice or barefaced wrong
Demand the wrathful vengeance of that tongue,
In coarse invective, terms not very choice,
Aloud he raises his tremendous voice,
"Grating harsh thunder" on the startled ear,
While shameless guilt grows pale with trembling fear.

* Alluding to a severe but (as it was then thought) a justly merited rebuke, with which he replied to some observations of the late Sir Vicary Gibbs, then Attorney General, made with too much of his accustomed asperity.

The tempest of his wrath awhile subdued,
 As he reposes in a calmer mood,
 Juniors beware! look round with careful ken,
 Lest you disturb the Lion in his den.
 TOPPING you know full well is no man's foe,
 Unless, perchance, you tread upon his toe.
 Then loud he'll roar, as roar'd great Mars* with
 pain,
 When in fierce combat on the Trojan plain,
 The great Tydides breathed the god a vein.
 Or him, who, when his foes poked out his eye,
 Sent forth a loud and agonizing cry,
 While earth and ocean trembled far around,
 And Etna's caverns echo'd with the sound.†

But patience, juniors! when the storm blows high,
 Bend for a while, and let its rage go by;
 His irritable temper once at rest,
 A better heart ne'er warm'd a human breast.

* Οὐδ' ἐβραχε χαλκῆος Ἀρης,
 Οσσον τ' ἐννεαχιλοι ἐπιαχον ἡ δεκαχιλοι
 Ἀνερες ἐν πολέμῳ, ἐριδα ἀναγοντες Ἀρης.

Hom. Il. 5.

† Clamorem immensum tollit; quo pontus et omnes
 Intremuere undæ, penitusque exterrita tellus
 Italiae, curvisque immugit Ætna cavernis.—*Virg. En. l. 3.*

These are certainly two of the greatest "shoutings"
 upon record, and form very *energetic* illustrations of the text.

A forest oak, that mocks the tempest's rage,
He stands still vigorous in a green old age.
There, while young saplings spring beneath his shade,
Long may he stand and flourish ere he fade,
And when at length he falls, as fall he must,
Loved be his memory, honour'd be his dust.*

Behind his brief-bag—an enormous pile—
Lo! SCARLETT, blooming with perennial smile,
A bold ambitious candidate for fame,
Who early on her list enroll'd his name,
And from that moment made his passions bend,
And all his powers to compass one great end.

Ardent of mind, and conscious of his force,
He join'd his rivals in the arduous course,
Yet far too wise to waste his strength too soon,
For mightier toils he stored the precious boon,
His fiery spirit, fretted by delay,
Discreetly curb'd, and for a time gave way ;
With eye observant mark'd the "vantage ground,"
Where best a certain footing could be found,
And when the lucky moment came at last,
Whole ranks of lazy, lagging loiterers pass'd,

* Since this was written, this eminent advocate retired from the Bar, and is now no more. Peace to his manes !

And, while he left them all upon the stare,
Shot by, and took his seat "within the Bar."

So on Newmarket or famed Epsom's plains,
With flashing eye-balls, and distended veins,
When neck to neck, each hot high-mettled steed,
Too eager for the sport, goes off at speed ;
The prudent jockey, with cool thoughtful mind,
Wisely reins in, but still keeps close behind,
Till midst the rush for honour and renown,
He sees some "bolting,"* and some "broken down,"
Then with an arrow's swiftness, "making play,"
Darts to the goal, and bears the palm away.

Hark ! when he rises to expound his case,
A buz of approbation fills the place.
"Look ! what a handsome lawyer," goes around, }
While notes of admiration much abound, }
That such a *rara avis* can be found. }
"La ! what a pleasant face," cries Madam Fig,
"I wonders how he'd look without a wig !"

* To "bolt"—is to break out of the course. To "break down" is to become suddenly lame, from the back sinews giving way, or any other cause. "Making play," i. e. putting a horse up, approaching to the top of his speed.

From the authority of one of the most "knowing" jockies of the age—need I add Mr. Buckle.

“Without a wig !” her sapient spouse replies,
“’Tis in the wig that all their wisdom lies,
“’Tis wig and gown that make the lawyer prate—
“Strip* him of these—he’s dumb as sure as fate.”
But hush ! the cause begins, or grave or gay,
Smiling he starts—smiling pursues his way,
O’er rough or smooth he glides, or *pro* or *con*,
And though not shallow, still runs dimpling on ;
Yet, as the subject swells, the interest grows,
His eloquence with greater volume flows,
“Though deep, yet clear, though gentle yet not dull,
Strong without rage, without o’erflowing full,”
Sweeping before him, with resistless force,
All that obstructs his proud triumphant course.

Clear-sighted, eloquent, acute, refined,
No point escapes his penetrating mind,
And while his rival from the broad highway,
The wavering judgment strives to lead away,
And like a will-o-wisp, now in, now out,
Involves the light of truth in mist and doubt,
Moving the mind’s all powerful lens at will,
To one bright focus, with consummate skill,

† “Strip him of his plumage, and he falls to the earth !”—*Junius*.

And matchless art, he draws the scatter'd rays,
Before the Jury in one brilliant blaze,
Who, as the clouds and fogs all disappear,
Fancy they see their way as day-light clear.
He sees the flattering dream, and ere they wake,
Lulls and confirms them in the fond mistake,
And when their self-love's wound up to the top,
Has the rare gift of knowing when to stop.
So when in perilous seas, 'midst hopes and fears,
His dubious course the skilful seaman steers,
He marks the sunken rocks and shelving shores,
And every bay and winding creek explores,
Careful, unseen where lurking dangers throng,
To keep true soundings as he moves along,
Till clear, he finds "good sea-room" once again,
And floats exulting on the boundless main.
Then, while some rival, lagging far behind,
Misses his track, and drives before the wind,
Or, worse, neglecting as he drifts to sound,
In spite of helm or compass, runs aground ;
He spreads his swelling sail with conscious pride,
And scuds triumphant, both with gale and tide,
Leaves the sad wreck of winds and waves the sport,
And lands his precious cargo safe in port.

Yet, trust me, SCARLETT's not in fact or law,
"That faultless monster which the world ne'er saw,"

But has, partaking of the common lot,
His failings and his faults,—as who has not.
Keen and astute, to biting satire prone,
His spirit oft assumes a hostile tone,
And while you study for the cause in vain,
Inflicts a wound regardless of the pain.
But should some luckless scrivener*—hapless wight!
Incur his high displeasure, wrong or right,
Then on the trembling slave's devoted head,
With double vengeance, falls his anger dread.

As savages who take a captive foe,
Ne'er kindly immolate him at a blow,
But while a gasping breath of life remains,
Kill him by inches to prolong his pains,
With tortures strange, and cruelties refined,
So he, beyond endurance, racks the mind,
Tears every nerve, draws blood at every pore,
Till fortitude expires, and nature can no more.
“What!” some old practiced *limb*† is apt to cry,
When such a “roasting” meets his curious eye,
“Can all this difference be betwixt a leader
And an obliging smiling special pleader?”

* See Appendix C.

† A “limb of the law” is an ancient nickname for an attorney.

I well remember at no distant time,
When Varro thought it neither sin nor crime
To greet a friend with language soft and kind,
That won his patient client's, heart and mind,
But now behold ! when by their friendly aid,
His end is answer'd, and his fortune made,
Up to the top of fame's proud height he goes,
Then kicks the ladder down by which he rose !

Gods ! can it be that a successful plan,
Changes at once the nature of the man,
And can a Sergeant's coif, or a silk gown,
Confer along with riches and renown,
The privilege to strike a man when down !

}

Ye mighty chiefs ! of rank and high degree,
Warriors in words, whoe'er you chance to be,
Amidst your toils, if e'er in evil hour,
Some demon tempt you to abuse your power,
Ere yet with poison'd dart, or deadly pike,
The trembling victim you prepare to strike,
Beware ! reflect,—suspend the threaten'd blow,
Nor, coward like, insult a fallen foe ;
Like some stern Sergeant, of despotic will,
Who lords it o'er his raw recruits at drill,

And basely strikes them, heedless of their pain,
(While their blood boils in every throbbing vein,
Because he knows they dare not strike again. }

For, woe to him, who, with unbridled tongue,
Dashes through thick or thin, or right or wrong,
Reckless whom he bespatters as he goes,
Or whether he rides over friends or foes.
Who launching forth the arrows of his wit,
Chuckles whene'er they make a lucky hit,
Regardless whom they strike or where they fall,
So that they speed, and make a hit at all.
Who in cold blood can needlessly impart
One pang of anguish to an honest heart,
Can wound its feelings in mere wanton sport,
On hearsay evidence, or vague report ;
Nay worse, with savage pitiless delight,
Expose its hidden foibles to the sight,
And as a gamester casts, with desperate eye,
His all upon the hazard of a die,
Will stake his friend for others' foolish fun,
And dare to lose him for a senseless pun.

To such—for such there are, I grieve to say,
The sorrowing Muse would sing this warning lay,

“Let those who throw a stone at all who pass,
Take heed their houses are not made of glass;
And ponder this unerring truth full well,
That poor insulted nature will rebel,
And e’en when writhing with the sudden pain,
The worm, when trod upon, will turn again.
Vengeance a vigil on their steps will keep,
Sting them by day, or stab them in their sleep,
And while too late they mourn the impending doom,
Cry out—“behold! the Ides of March are come.”

Well-natured RAINE, whose strong stentorian lungs
Would furnish bellows for a hundred tongues,
In warfare, like a giant runs his course,
And gives the war-whoop with a giant’s force,
Strikes the crest-fallen foe with wild affright,
And wins the victory by sheer main and might.

A horse his “dear delight,” or long or short,
Give him a “horse-cause”—that is quite *his* forte.
Hark! while he pleads with all his might and soul,
From Court to Court his thundering periods roll,
Not louder roar’d King Dick—so great his force—
“A horse, a horse, my kingdom for a horse!”*

* A ludicrous instance of this sort once occurred. The late Chief Baron Thomson hearing an uncommon noise at

Yet, 'midst the tumult of dire war's alarms,
 When 'tis his turn "to rest upon his arms,"
 No longer fierce or irritable, then
 He smiles, and Jonathan's "himself again!"
 Forgetting and forgiving all his foes,
 His heart with pure good humour overflows;
 He talks, he laughs, and slyly cracks his jokes,
 And whispers nonsense just like other folks;
 Till young and old inspired with mirth grow gay,
 And *fun* becomes the order of the day.*

In such a mood, for mischief on the watch,
 Some booby of a witness should he catch,
 One who should prove reluctant, strange or shy, }
 With waggish look, he holds his head awry, }
 And at the sawney cocks his "gimlet eye."†

the Crown End of the Court, (where they were trying causes also,) cried out, "who's that man that's making such a noise, bailiff! turn him out, if he don't hold his tongue." "O my Lord," said Mr. Topping, "it's only a friend of our's pleading at the other end of the Court."

* Mr. Raine was held in high estimation by his brethren at the Bar, for his social and convivial qualities.—His pleasantry and facetiousness were said to be as inexhaustible as his good humour. In his absence the toast of "Jonty—and fun!" was amongst the orders of the day.—That absence has now become permanent, he having been made a Welsh Judge.

† "Gimlet eye," an eye that bores one.—*Dictionary of the Vulgar Tongue.*

All his *vis comica* together brings,
 And smiling, "looks unutterable things."
 Till like a fly transfix'd upon a pin,
 By his arch drollery, and his comic grin,
 Bored, and bamboozled, the poor wight "gives in." }

Alert and watchful, WILLIAMS* lurks hard by,
 Ogling the Jury with expressive eye,
 And as his keen opponent shapes his case,
 Eyes them askance, with many a strange grimace,
 Now with a face of seeming wonder stares,
 And catches their attention unawares,
 Then smiles incredulous at all that's said,
 Or, grave as BURLEIGH, shakes his sapient head,
 As though he said, in language plain and clear,
 Can you believe the nonsense that you hear?

* It will be seen that the author does not always class the Counsel according to seniority. Mr. Williams is introduced here, as being frequently opposed to Mr. Raine in horse causes. The famous one of Shillito and Claridge, (which was tried three times,) afforded ample scope to their abilities, and great skill in horse flesh—both being amateurs on the turf. The cause was admirably well tried, as well as the temper of both advocates; but the coolness and amazing "power of face" of the defendant's Counsel (Williams) at length succeeded, though not till the Jury had been locked up from five in the afternoon till eleven next morning!

In spite of prejudice, in reason's spite,
Say what you will Lavater must be right,
For gifted with this mighty power of face,
Victorious WILLIAMS proves the very case,
And, "hoaxing" both the Jury and the foe,
Wins half the battle ere he strikes a blow.

Judicious HULLOCK*—easy of access,
Who ne'er assuming more, or taking less,
Than all the world allows to be his due,
His client's interest always keeps in view,
Heedless of empty fame, or vain applause,
Who leaves no "stone unturn'd" to gain his cause,
Who, as he clears his rugged passage round,
Or delves into the bowels of the ground,
With all the care of age, the zeal of youth,
From its deep burrow oft unearths the truth,
Conceal'd with care beneath the dark abode,
By crafty cunning, or foul lurking fraud,
And safely hidden from the eagle sight
Of eloquence that takes a higher flight.

Prime princet† of Special Pleaders, with pale face,
And studious look—come forwards to thy place,

* Now one of the Barons of the Court of Exchequer.

† Richardson.

Full of recondite learning and strong sense—
 Whose only fault is—thy pre-eminence.
 “Painful pre-eminence!” that when the wine
 Was out—once made thee subject to a fine.*
 Press forward to the top—make room—for lo!
 Close at thy elbow comes thy brother Joe!†
 Illustrious pair! for either side prepared,‡
 March on together to your high reward;
 Then will the Bar, the suitors, cry with pain,
 We ne’er shall look upon their like again.

With meagre form, and face so wondrous thin,
 That it resembles Milton’s “death and sin,”
 Long arms that saw the air like windmill sails,
 And tongue that in its duty never fails,
 Behold the hero of the North! make room,
 For Scotia’s “babe of grace”—great HARRY
 BROUGHAM.

* This is literally true, Mr. R. not having subjected himself in “the Mess” to any fine in the regular course of things, on the motion of Mr. Scarlett, he was fined for being “so eminent a Special Pleader;” which was carried of course by acclamation.

† Joseph Littledale, Esq. The former has been appointed one of the Judges of the Court of Common Pleas, and the latter of the King’s Bench.

‡ Arcades ambo,
 Et cantare pares, et respondere parati.—*Virg.*

A chieftain he of strong elastic mind,
That covets all the knowledge of mankind,
And though elusive as the subtle air,
Grasps and retains a more than common share.
To the huge wonder of each brainless dunce,
He's critic, statesman—lawyer—all at once.
Yet if (as sings or says the immortal wit*)
“One science only will one genius fit”—
Far better had his passion never stray'd
From that to which his early vows were paid,
For he who nobly dares aspire, her mind
•And its vast treasures to possess, will find
A mistress that will “not unsought be won,”
Nor tamely bear a rival near her throne.
Had he the goal still laboured to pursue,
However distant, he first had in view,
With well-earn'd wealth, and honest just renown,
The highest honours might have been his own.
But ah! ambition oft makes fearful odds,
 (“That glorious fault of angels and of gods.”)
In mortal man's estate—'twas this alone
That raised the great NAPOLEON to a throne,
And when he grew “top-heavy”—hurl'd him down. }
'Twas this that tempted, in an evil hour,
Our lofty aspirant to grasp at power,

* Pope.

To quit the certain road to wealth and fame,
For the mere hollow "whistling of a name,"
Thus labouring half his life up hill to gain,
The lofty summit of his hopes—in vain,
Content at length (a vast reward I ween)
To be Attorney General—to the Queen!*

So children after shining rainbows run,
(Those transient bright creations of the sun,)
Which, in the keen pursuit, appear to stay,
But, when they try to grasp them,—melt away.

Sick of the empty honours that await,
The harass'd leader of a dull debate,
Night after night, he vainly wastes his breath,
And toils and fags his very soul to death,
To prove before the House, with serious faith,
To demonstration—that, in every case,

* Mr. B. was appointed the Queen's Attorney General, in virtue of which office he obtained a silk gown. After her Majesty's death he has been deprived of it again, a measure equally needless, illiberal, and it may be added, unjust.—He has, however, applied himself with more than ordinary attention to his profession since that period, and circumstances have been extremely favourable to his pursuits, particularly on the Northern Circuit. Since this sketch was written, the Learned Gentleman has made great improvement in his profession, and is now (1825) justly considered one of the ablest advocates at the Bar. In a reply, particularly when a strain of declamation or invective is required, he stands unrivalled.

The way to save the country, is—no doubt,—
To get one party in, and t'other out.

Yet, while his venial errors to descry,
We look with keen and microscopic eye,
Let equal justice, with impartial view,
Give to his sterling merit all its due ;
And own his faults, though scann'd with truth
severe,
But like dark spots upon the sun appear,
Which not a moment cloud its brilliant rays,
Lost and extinguish'd in the general blaze.

Behold him, then, with large and liberal mind,
Of richest, rarest, qualities combined,
Bottom'd in solid judgment and sound sense,
Adorn'd by chaste, yet powerful eloquence,
Where strength unites with eloquence and ease,
A classic union that must ever please.

Thus form'd, when Courts of Law demand his care,
You see at once *his* province is not there.
He labours hard, 'tis true, takes endless pains,
And all his subject to the bottom drains,
And when some latent fraud he would descry,
Darts from his keen and penetrating eye,

A burning glance that makes the witness start,
Piercing the inmost secret of his heart ;
And, like the touch of great Ithuriel's spear,
Compels the "lurking" devil to appear,*

Yet, spite of all his zeal, his boundless pains,
A deficit, a want of tact remains,
A certain nameless something, more or less,
Far better to imagine than express,
And which, beyond the art of man to reach,
Nothing but vast experience can teach.

But, break the fetters that enthrall his mind,
And leave his genius free and unconfined,
Then in his proper sphere, the senate, placed,
Give him some subject in which stands embraced
Topics of interest and vast magnitude,
But little canvassed, and less understood,

* During Lent Assizes at York, in 1820, Mr. B. sat looking intently at a witness who was giving evidence, and whom he was about to cross-examine, which produced the effect attributed to the basilisk ; for the poor fellow, after several ineffectual attempts to go on, declared that he could not say another word, unless "that gentleman," pointing to him, "would take his eyes off him."

The learned gentleman afterwards tried the same experiment on the intrepid Mademoiselle Demont, at the Queen's Trial, but without effect.

Which moot the dearest interests of a state,
A people's welfare, or an empire's fate ;
Such mighty questions, with momentous sway,
Bring his transcendent talents into play,
And as into its hidden depths they wind,
Draw from the vast resources of his mind,
A mass of varied knowledge, bright and sound,
With views now luminous, and now profound,
Resistless arguments brought forth at will,
Enforced with vigour, and wound up with skill,
Which put all trivial cavils to the rout,
And leave the captious mind no room to doubt.

Halt not my Muse ! and ne'er be at a loss,
While yet remains unsung **Lancastrian Cross**.
Grafted* at York too late, he does not grow,
Or if he does, 'tis very—very slow.
Erect and solemn, stately, stiff and starch,
As though he were preparing for a march,
He marks the Jury with a soldier's eye,†
And then "attention !" cries, or seems to cry.

* Mr. (now Sergeant) Cross first attended the York Assizes, when the late Mr. Topping's health began to decline.

† He was Colonel of a Corps of Volunteers, at Manchester.

Labouring with big intent, and pompous swell,
He seems to draw his knowledge from a well,
So long in coming up, so very deep,
That, Lethe-like, he sets you all asleep !
Slowly he speaks, and whatsoe'er his case,
Puts on an undertaker's length of face,
With equal gravity the facts expounds,
For forty shillings or a thousand pounds !
Now solemnly harangues on life and death !
And now, with equal force and waste of breath,
And many an earnest look and pause to boot,
Largely descants upon some paltry suit,
In labour'd phrase, which, out of time and place, }
Serves but to shew his client to his face, }
The weakness and the folly of his case. }
So tawdry trimmings on a threadbare coat,
Both pride at once and poverty denote.
Thus oft while curiosity—hard fate,
Dying to know the worst—is forced to wait,
Stretch'd on keen expectation's tender hooks,
His dark mysterious words and ominous looks,
Though “things of pith and moment” they portend,
Prove but the mountain's labour in the end.

Yet had he been, with all his faults, content,
Upon his native ground to pitch his tent,

Through his wide circuit's ever busy scene,
 Great Sessions* leader might he still have been,
 With growing business tumbling in between. }
 All this, in luckless hour, this envied lot,
 This "glorious *certainty*"—he left—for what ?
 To sit, where Lawyers in the Common Pleas,
 Rise, as they go to heaven—by degrees ;
 And while with greedy maw, some three or four
 Voracious chiefs the plenteous feast devour,
 Mix with the rest, who yawn, and bite their thumbs,
 Or feed, perchance upon the scatter'd crumbs,
 A tasty, teasing, tantalizing mite,
 That only serves to whet the appetite,

* The Learned Sergeant was many years leader of the Sessions at Manchester, &c. &c. and had much private practice. His removal to the Court of Common Pleas, on his getting "the coif," was a bold and somewhat hazardous step, considering that it already possessed such men as Lens, Best, Vaughan, Copley, Pell, &c. &c. &c. The Sergeant possesses a commanding presence, and abilities of no ordinary stamp. His great faults are a stiffness in manner, and a slow circuitous method of going to the goal at which he purposes to arrive. What sort of a soldier he would have been cannot be ascertained, since happily his military talents were never called into exercise, beyond the field-day on the peaceable plain of Kersall Moor. But he is the very Fabius of advocates, and never takes any thing by a *coup de main* ! With his talents, nevertheless, and those wonder-working qualities, patience and perseverance, the Learned Sergeant may yet, it is to be hoped, advance up nearer the top of the table of good things in his chosen court. At present he seems to be somewhat "below the salt !"

And make a disappointed stomach feel
 Outrageous longings for a fuller meal.

Nimble of speech, stout MAUDE* has easy work,
 Content to be a "second best" at York,
 But to his own West-Riding Sessions come,
 Plays the "first fiddle,"† and is quite *at home* !
His circuit's there ! there, cock of all the walk,
 He knows both when and how to "make a talk !"
 With solid judgment, and unwearied zeal,
 None better knows to try you "an appeal."
 Success attends, for wheresoe'er he goes,
 He always leads their worships "by the nose."
 Your pardon, Sirs, I would not fain transgress,
 This is a blundering error of the press ;

* Francis Maude, Esq. of Hatfeild Hall, near Wakefield, a Bencher of the Honourable Society of Gray's Inn, and Leader of the West Riding Sessions, &c. &c.

† The propriety of this phrase can only be understood by those who are acquainted with the musical predilections of this gentleman. He is, "in truth," (a favourite expression of his,) a first-rate amateur, and no despicable performer. They relate the following anecdote in his neighbourhood, which seems quite *apropos* to the subject. At a convivial party, not above a hundred miles from "Merry Wakefield," the guests were amusing themselves with toasting their absent friends, connecting each toast with some favourite pursuit of the *toastee*, as "Hawksworth and Hunting," &c. When Mr. H. a learned gentleman there, being called upon in his turn, with great promptitude gave, "Frank Maude and Fiddling."

Correct it, printer ! when it next appears,
And then for "nose"—their worships may read
"ears."*

Au-reste—and jarring politics aside,
That source of discord, e'en 'mongst friends long tried,
That wondrous tube, which Whigs or Tories use
As suits their present end or future views,
Through which they see, without or flaw or fleck,
Mountains of vice diminis'd to a speck,
Or, should they look at foe instead of friend,
Behold with horror through th' inverted end,
Mere warts and peccadilloes of the times,
Swell'd and distorted into monstrous crimes.†

* Mr. M. is said to have "the ear of the court" at these sessions, an advantage which he well knows how to turn to good account. These hints as to the Learned Gentleman's leading the Bench in the way expressed in this passage, are by no means to be considered as coming from the author, but merely such as have been broadly stated in open Court more than once, by Counsel when opposed to him (Mr. M.) whether as matter of fact, or out of pique at his success, may be a question. If the latter *should* be the case, it is hardly fair to attribute it in any degree to the want of impartiality in the Bench. Perhaps, after all, the Bench consider such expressions as having no other meaning than to produce a little effect, in a bad case or a failing argument, and therefore suffer them to pass unnoticed.

† "J' admire Messieurs les hommes ! leur propres défauts leur paroissent des minutes, au lieu qu'ils regardent ceux d' autrui avec un microscope."—*Le Diable Boiteux*, tom. 1.

Clear'd of this sickening jaundice of the mind,
 MAUDE is the liberal friend of human kind,
 And stands (what greater gifts can heaven impart,)
 Bless'd with a clear head and an honest heart !*

Muse! when to York's dull walls we bid good night,
 O'erlook not HARDY† ere thou tak'st thy flight.
 HARDY, whose eloquence, bold, varied, strong,
 A copious river briskly flows along,
 Now smoothly gliding o'er untroubled sands,
 Now rough and rapid as the theme demands ;
 Still 'midst its wandering course, he keeps in view
 The object that he labours to pursue,
 Nor e'er forgets, on any vain pretence,
 To make "the sound an echo to the sense."

* Every body must be aware of the value of a "clear head"—and as to an "honest heart," instead of telling the readers what its worth is, the author happened to stumble upon a passage the other day, which he thinks will expound it much better than he can pretend to do—*le voici !*

Climate and soil are very secondary ingredients in life ; a clear head, with an honest heart, is the real sun of every soil. They make the frozen valley bloom, and the rough mountain smile ; with them we can laugh at the north winds howling through the broken precipices, and make the incumbent gloom cheerful :—

Nor envy fraud her sunshine and her skies.

Letter of the celebrated George Bub Doddington, published in the "Memorial of the Public Life, &c. of the Right Honourable James Oswald, of Dunniker."

† John Hardy, Esq. of Heath, near Wakefield.

Ne'er idle, with the hyp he never frets,
And when he is not fishing mends his nets ;
Nay disengaged, "*sedente curia*,"
A vacant moment serves him to display,
With pliant fingers that obey his will,
In "striking likenesses" his graphic skill,
And oft amidst the dull forensic strife,
His learned friends he sketches to the life,
Nor let their Lordships owe his skill a grudge,
If he should happen—to hit off—a Judge.*

Had fortune frowned, and left him no resource,
But his own strength wherewith to run his course,
Or had ambition fired his youthful mind,
And kept it to its lofty track confined,
In spite of fate, or of the "law's delay,"
Such sterling talents must have made their way,
Up to the summit now beheld afar,
Crown'd with the highest honours of the Bar.
Yet if a lucky star upon him smiled,
And fortune own'd him as a favourite child,

* Two of these sketches, (viz. those of Mr. Justice Bayley and Baron Wood,) done with a pen, were picked up in the Court, and etched by an Artist of York. The latter especially, is an admirable likeness.

In him her bounteous favour breeds no strife,
 With the great duties of his public life,
 By turns Judge, Advocate and soldier,* he
 With zeal, sound judgment, and fidelity,
 Performs his various functions—thus to live,
 What more can fortune or ambition give.

Untired good humour is thy gift, O! WAILES,†
 Which, like the widow's oil-cruise, never fails;
 Aided with that—whene'er he sallies forth,
 Or on the Western Circuit, or the North,
 Mix'd with sound sterling sense, he gains his ends,
 O! may the honest Parson‡ ne'er want friends.

* Mr. Hardy is Recorder of the Borough of Leeds, and Colonel of a Corps of Volunteers. He is also one of the principal proprietors of the extensive and valuable Iron Works, at Low Moor, near Bradford.

† Of Potter Newton, near Leeds.

‡ "The honest Parson." *Opus est explanatur.* A few years ago, when this gentleman was going to set off for the North Riding Sessions, the yearly Conference of the Methodists had just broke up at Leeds, and a number of the Preachers were departing to their different destinations.—One of them coming up to Mr. W. who was about to take his seat in the coach, very kindly and familiarly enquired after his health, as if he had met with an old acquaintance, (which no doubt from the very *parsonic* appearance of the Learned Gentleman, he thought he had,) adding, "Well! I am fixed for the Halifax Circuit—and pray, Brother, where are you bound for?"—"O!" replied he, "I am bound for the Northern Circuit!" and thus the two *brethren* parted without further explanation.

Suitors who justice seek, and wish for right,
Instead of waging an uncertain fight,
And running risks of special pleading flaws,
Let upright WALKER arbitrate your cause.*

Or if in "troubled waters" you have got,
Where doubtful rights are your unenvied lot,
When Special Jurymen have had a "view,"
And "clipp'd and heel'd," your Counsel *sit perdue*,
Should his kind Lordship, in that solemn pause,
(Having perhaps no stomach for the cause,)
Hint at a reference, and each side agree,
Which *sometimes* happens, when they've got their fee,
WALTON will weigh the merits of your case,
Adjust th' uncertain boundaries of the place,
Reduce or raise your weirs on proper grounds,
And keep the stream within its ancient bounds.
So shall your private feuds and quarrels cease,
Neighbours be friends again, and sleep in peace.

But lo! amongst the Bar's experienced throng,
The "rising hopes"† demand the Muse's song.

* Of Wilsick, near Doncaster.

† Since this was written, a considerable period has elapsed, so that several of the gentlemen, after-mentioned, have advanced in their profession, and given way to a younger race.

Sagacious JONES,* whom quaking felons bless
 For that quick-sighted shrewdness and address,
 Which often saves their trembling hopes from wreck,
 And from the gallows rescues many a neck.
 Whose talents, (hitherto conceal'd in shade)
 To raise their value, need but be display'd,
 And when they fairly once get into play,
 The palm of victory will bear away !†

STARKIE,‡ than whom, none with a quicker eye
 A slip, or lurking nonsuit, can espy,
 Or should he fail to creep out by the flaw,
 Suggest a doubt, or raise "a point of law ;"
 And if his client in despair appears,
 To save his pocket and assuage his fears,
 None with more judgment, or with less pretence,
 Knows when to make a well-timed reference ;
 Thus to put off awhile "the evil day,"
 And give him, for another chance, fair play.

TINDAL,§ beneath whose sleepy lurking eye
 A fertile mind Lavater would descry,
 A treasury, fill'd with intellectual store,
 From which, the more he takes, it grows the more,

* Now Recorder of Chester.

† Palmarum qui meruit ferat.

‡ Author of a Treatise on Criminal Law.

§ N. C. Tindal, Esq. of the Inner Temple.

A thing unheard of in historic fame,
Would the King's treasury always did the same!

Acute, ingenuous PARK, of judgment sound,
Than whom no better "second" can be found,
Yet to become a first, upon the ground. }

Pale POLLOCK* who consumes the "midnight
oil,"
And plies his task with unremitting toil,
Till, as the life-drops from his cheeks retreat,
He looks as though he had forgot—to eat.

HOLT,† who in every thing he says or writes,
Sagacity with sound good sense unites.

Aspiring ALDERSON—a sessions "star,"
Already "cuts a figure" at the Bar,
Maintains his academic honours past,
And every subject‡ wrangles to the last.

* Mr. Pollock was First Wrangler at the University.

† Author of a Treatise on the Law of Libel, and of several able productions of a political nature.

‡ He was First Wrangler, and also First Medallist at the University—a very uncommon degree. This gentleman has made rapid strides in his profession, and will, in all human probability, arrive at its summit "in the fulness of time."

Broad BLACKBURN,* of a strong and sturdy mind,
By nature for conflicting war design'd,
A grappler of the genuine bull-dog breed,
Must fight, not fawn his way, if he succeed,
For, trust me, come what will—fees or no fees—
He'll never study Chesterfield to please.

“The last in order, but the first in place,”
Comes jolly HEYWOOD† with his jocund face,
“Burly and big, and studious of his ease,”‡
No more he cares for causes or for fees,
But still delights to hear the play of lungs,
And, Babel-like, confusion of strange tongues,
The tumult and the loud discordant jar,
Of squabbling “upgrown children” of the Bar,
Delighted, listens to the stunning noise,
And in *their* brawls renews his former joys.

* John Blackburn, Esq. of the Temple. Mr. B. is considered to be a “rising man” in his profession, and has obtained some celebrity amongst that party of which Sir Francis Burdett is reckoned the head.

† John Pemberton Heywood, Esq. of Wakefield. It is long since Mr. Heywood retired from the Bar, at which period he was the Senior Barrister on the Northern Circuit. For several years before that event took place, he attended the Assizes at York, more for the sake of mingling with his old professional friends, than with any view to business.

‡ Cowper.

So some high-mettled charger in decay,
Turn'd out, and sent a grazing on "half pay,"
If, on the common, in his devious course,
Perchance he sees a distant troop of horse,
Windgalls and spavins are at once forgot,
With ears erect he snorts and gets a trot,
But should the bugle blow, or trumpet sound,
With thundering hoofs he "charges" o'er the ground,
Halts on the line, and on the bloodless plain,
"Falls in," and fights his battles o'er again.
Or so some sportsman, long "laid up in port ;"
Who, though he hunts no more, still loves the sport ;
If, as he hobbles on his daily rounds,
Perchance he hears the distant cry of hounds,
The well known music all his soul inspires,
And once again he feels his wonted fires,
Again, in fancy, goes through all the chace,
Though he ne'er budge a bar-length from the place.

Juniors ! who 'midst the illustrious band remain
Yet unrecorded in the Muse's strain,
Still while your spirits kindle at each name,
And pant to follow in pursuit of fame,
As the Law's rough and rugged course ye try,
On them for ever keep a steadfast eye.

The shining lights of your "time honour'd" land,
 Aloft, like flaming beacons, lo! they stand,
 Guiding o'er dangerous tracks, with friendly ray,
 Lost wandering strangers on their dubious way,
 And showing, as their arduous course they run,
 What deeps to sail through, and what rocks to shun,
 Till free'd from arduous toils and perils past,
 The vessel gains her destin'd port at last.

And if perchance, oppress'd by fortune's frown,
 Your spirits sink desponding and cast down,
 Remember Esop's hare, that, like the wind,
 Left the slow-crawling tortoise far behind,
 Yet loitering oft, and stopping by the way,
 Sometimes to slumber, and sometimes to play;
 Her rival still urged on her plodding pace,
 And, by sheer perseverance, won the race!*

Think, how with poverty, that "no man's friend," }
 And all the evils which its steps attend, }
 SAUNDERS† or FOSTER once had to contend!

* Il broute, il se repose,
 Il s' amuse a tout autre chose,
 Qu' à la gageure, à la fin, quand il vit
 Que l' autre touchoit presque au bout de la carrière,
 Il partit comme un trait, Mais les elans qu'il fit,
 Furent vains: la tortue arriva la premiere.

Fables de la Fontaine.

† See Part I.

And spite of rival friends or secret foes,
Up to the highest honours proudly rose !

If these, and many more of mighty name,
Have fought their way to fortune and to fame,
Take heart ! and think as you advance *en train*,
What *has* been done, may yet be done again !
Who follows fortune never should despair,
Faint heart and lagging step ne'er won the fair.
Bravely aspire ! push on with heart and soul,
Each in his turn may reach the envied goal,
And though the path be rugged, steep and strait,
And fill'd with mazes dark and intricate,
Yet the proud lofty summit to attain,
Who strives in earnest, seldom strives in vain.

Then, forward ! with firm step and daring eye,
Boldly all dangers and all doubts defy ;
Fag up the hill, till your probation's o'er,
And be what HOLT or MANSFIELD was before !

APPENDIX.

A.

Shone portly Cockell's honest round red face.—Page 115.

Of the late Sergeant Cockell very little has been made known to the public. He was a native of Pontefract, and was articled to an Attorney at Halifax, and there are persons yet living who remember him frequenting a club where he was reckoned a first-rate spouter. He was at a future period called to the Bar, and went on the Northern Circuit, where he was many years the antagonist of Mr. Law, (afterwards Lord Ellenborough.) He was of a robust make, with a full rubicund face, and large dark and very expressive eyes, of which he well knew the perfect use, particularly in his examination of Yorkshire witnesses, in which he shone unrivalled. He was a man of great natural power of mind, which, together with an excellent memory, supported him on every emergency, and frequently with very little previous preparation. The Sergeant was a mighty great lover of wine and strong drink, of which he used to take very liberal potations. On such occasions he often created no small alarm to his clients, a singular instance of which is well known to some of the Senior Barristers on the Northern Circuit. It was in a cause tried at York, of great magnitude and importance, in which he was leader for one of the

parties. On the evening preceding the trial, a consultation was held at his lodgings, at which, to the great consternation of the Attorney by whom he was retained, the Learned Sergeant was "too far gone," to talk about business, who presently prepared to take his departure overwhelmed with despair. He was however re-assured, by a promise that "all should be right and ready in the morning." After being made acquainted by the Junior Counsel (the present learned and worthy leader of the West Riding Sessions) with the principal points in the cause, he tied a napkin dipped in cold water round his head—slept a few hours—and arose again between four and five in the morning, quite "himself again!" When the Court opened, he was ready with his usual good looks and presence of mind. He then went on with the cause, (which lasted the whole day,) and, to the great surprise and satisfaction of the quaking Attorney and his Client, succeeded in getting a verdict, and it was remarked, that he never distinguished himself more than on that memorable occasion!

His constitution, naturally robust, suddenly gave way, and he died of a rapid decline, at his house in Pontefract. The Sergeant was a good tempered, kind-hearted and benevolent man, and died regretted as he had lived, respected and beloved by the Bar—his family and friends.

B.

Had he continued still—in statu quo.—Page 118.

The first time Mr. Justice Park went on the Western Circuit, his conduct on the Bench was not thought to be the most dignified or conciliating in the world, by which he

drew upon himself some severe animadversions, in a letter soon after published and addressed to his Lordship.

That his Lordship does not receive much personal respect or deference to his opinions from the Bar, has often been remarked, and on no occasion was the truth of the observation ever more strongly manifested than in the following instance, as reported in the public prints, 25th June, 1823.

IN THE COMMON PLEAS—*Thurtell v. Beaumont.*

In the course of this cause, the following extraordinary scene took place. Mr. Sergeant Taddy was examining a witness from Norfolk, and asked him a question about something that happened “after the Plaintiff had *disappeared* from that neighbourhood,” as the Sergeant expressed it.

Mr. Justice Park—“That is an improper question, and ought not to have been put.”

Mr. Sergeant Taddy—“That is an imputation to which I will not submit. I am incapable of putting an improper question to any witness.”

Mr. Justice Park—“What imputation, Sir? I desire you will not charge me with casting imputations. I say the question was not properly put, for the expression ‘to disappear’ means ‘to leave clandestinely’.”

Sergeant Taddy—“I say it means no such thing.”

Mr. Justice Park—“I hope I have some understanding left, and so far as that goes, the word certainly bore that interpretation, and was therefore improper.”

Sergeant Taddy—“I never will submit to a rebuke of this kind.”

Mr. Justice Park—“This is a very improper manner, Sir, for a Counsel to address the Bench in.”

Sergeant Taddy—"And that is a very improper manner for a Judge to address Counsel in."

Mr. Justice Park—"I protest, Sir, you will compel me to do what is very disagreeable to me." [Rising with warmth.]

Sergeant Taddy—"Do what you like, my Lord!" [With equal warmth.]

Mr. Justice Park—(Resuming his seat) "Well, I hope I shall manifest the indulgence of a Christian Judge."

Sergeant Taddy—"You may exercise your indulgence, or your power, in any way your Lordship's discretion may suggest, it is a matter of perfect indifference to me."

Mr. Justice Park—"I have the functions of a Judge to discharge, and in doing so, I must not be reprov'd in this kind of way."

Sergeant Taddy—"And I have a duty to discharge as Counsel, which I shall discharge as I think proper, without submitting to a rebuke from any quarter."

[Here Mr. Sergeant Lens rose to interfere.]

Sergeant Taddy—"No! brother Lens! I must protest against the interference."

Sergeant Lens—"My brother Taddy, my Lord, has been betrayed into some warmth."

Sergeant Taddy—(Pulling back Sergeant Lens into his place.) "I again protest against any interference on my account, I am quite prepared to answer for my own conduct."

Mr. Justice Park—"My brother Lens, Sir, has a right to be heard."

Sergeant Taddy—"Not on my account. I am fully capable of answering for myself."

Mr. Justice Park—"Has he not a right to possess the Court on any subject he pleases?"

Serjeant Taddy—"Not while I am in possession of it, and am examining a witness."

Here the dispute ended, and his Lordship threw himself back in his chair, and was silent.

C.

But should some luckless scrivener—hapless wight!—Page 126.

There is an immeasurable distance between a Barrister and an Attorney; and many of the former have, or affect to have, an absolute antipathy to the latter. Mr. Scarlett seems to be no great admirer of them himself. In truth, he may be said to be what Dr. Johnson used to call a "good hater" of the fraternity, and never loses an opportunity of declaring his sentiments. In the celebrated cause of "Hodgson and Scarlett," tried at Lancaster, in 1817, the hostility which gave birth to it had been carried to a great length. Mr. Holt gives a full report of the subsequent arguments upon the case, by which it appears that the Judges were unanimous in their opinions, that such an action could not be maintained.* Upon a dispassionate review of those arguments, one may collect at least *three* good reasons why Counsel should be more abstemious in their vituperations of those gentlemen. 1. They (the Barristers) are sure of the protection of the Court. 2. The abused party cannot reply to any observations, however strong, that may be made on his character or conduct. 3. Nor can he have any redress or satisfaction *out of Court*.—

* Reports of Cases argued and ruled at Nisi Prius, in the Common Pleas, and on the Northern Circuit.—V. 1. p. 3.

He cannot maintain an action against the offender, because, though his remarks may cut his very heart-strings, and expose him to the derision or contempt of the whole world, yet, if they should be "pertinent to the matter in issue"—it all "goes for nothing!" And as to deciding it as a question of *honour*—that is *out* of the question entirely.—For these reasons, it does seem not only hard, but unfair, to attack an individual, so situated, with that excess of virulence which is too frequently manifested, and which nothing but the most flagrant misconduct can justify or excuse.

"Brow-beating," more or less, has always been held as one of the immemorial privileges of a Barrister. In the time of Coke it was at its highest state of perfection. "This great lawyer," says an agreeable modern author, "perhaps set the example of that style of railing and invective at our Bar, which the egotism and craven insolence of some of our lawyers still make use of in their practice there." His gross and vulgar abuse of the celebrated Raleigh, is then given as a specimen, a short extract from which will be enough to exhibit both *his* virulence and Sir Walter's dignity and cool contempt. He described him as "a viper and a monster, with an English face and Spanish heart, against whom there was no occasion to confront the witnesses—his criminality was evident, and he was a reptile and the dregs of the earth," and afterwards, "he was the most vile and execrable traitor that ever existed in the world," &c. &c.

Sir Walter—"You speak indiscreetly and barbarously."

Attorney General—"I cannot find words to express such viperous treasons."

Sir Walter—"I think you want words, indeed, for you have repeated one thing half a dozen times."

Attorney General—"Thou art an odious fellow, and thy name is hateful to all England for thy pride."

Sir Walter—"It will then go near to prove a measuring cast between you and me Mr. Attorney."

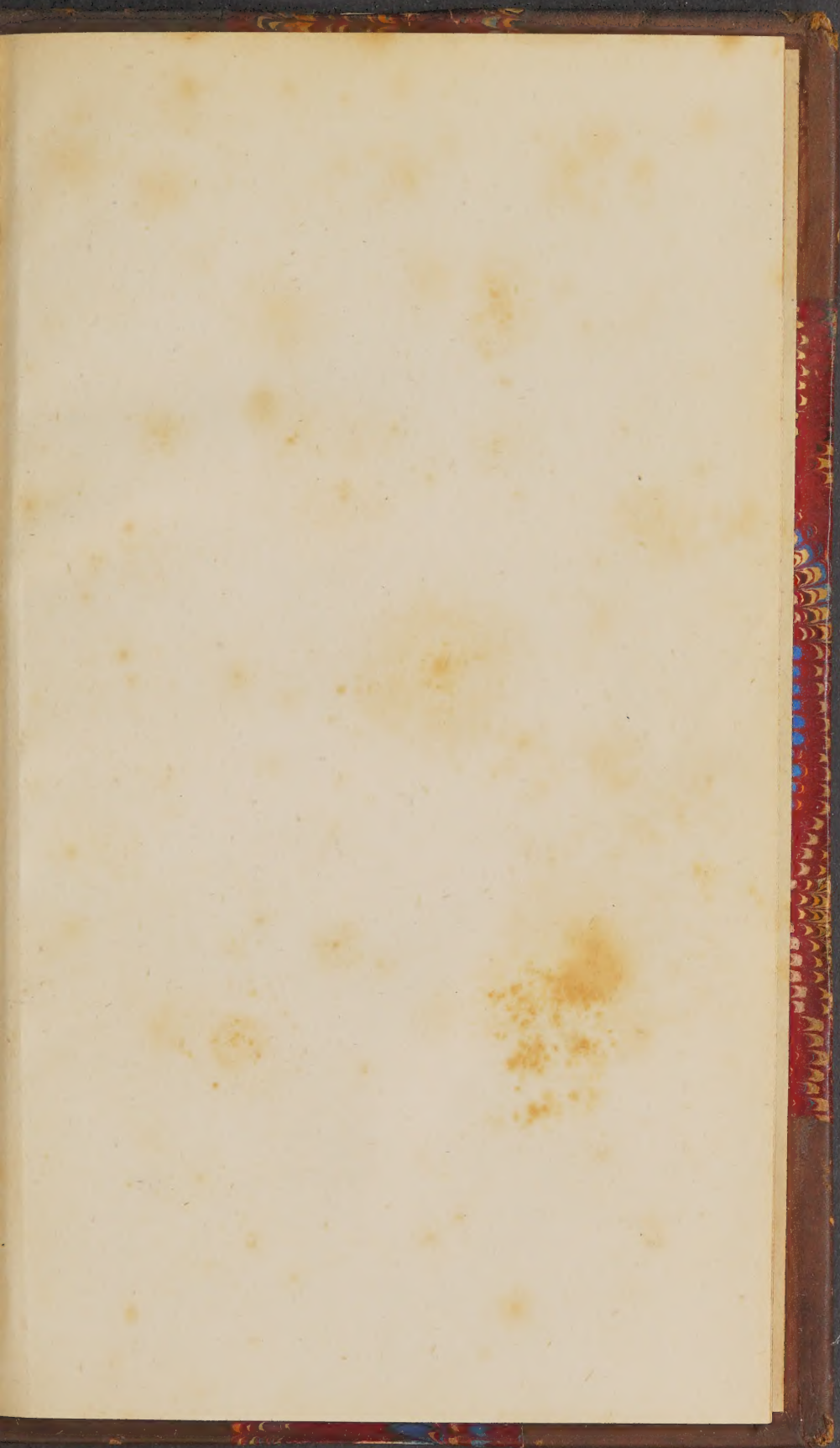
"This style of railing," continues our author, "was long the privilege of Lawyers. It was received by Judge Jefferies, &c."* and it may be added, that it continues in vogue, though not to the same extent, to the present day.

That noble animal, the lion, is said always to keep on "the best terms" with his provider—leaving him a portion of the food he furnishes him with; but though the Attorney may be said to stand somewhat in the same capacity to the Barrister, it is rarely that he regards him with complaisance, much less does he treat him with any thing like gratitude. As to the occasional harsh conduct of the subject of this note, in this respect, it does not appear difficult to account for it. Mr. S. rose rapidly in his profession, and has for some years enjoyed an unparalleled degree of success in it. The next great object of his ambition, was, of course, a seat in "the House," and though foiled in his two contests for the Borough of Lewisham, he at length, (thanks to the good offices of a certain learned friend of his, not above a hundred miles from H—tf—d H—ll, in Yorkshire,) got snugly seated for that of Peterborough, under the auspices of Earl Fitzwilliam. By the way, these same "rotten boroughs" are vastly convenient places of refuge, on such occasions, even to the incorruptible Whigs! And then, as a matter of course—and *almost* of equal consequence—he had the rare good fortune to be elected a Member of Brookes's!

* D'Israeli: Curiosities of Literature.—Second Series.

With all these honours “blushing thick upon him,” it is no mighty great wonder if his natural *hauteur* has of late years somewhat increased, and hence we may also account for his cavalier treatment of the gentlemen in question.—It is time, however, in this age of refinement, that a greater degree of liberality should be used in this respect, which never will be the case, till the leading men of the day choose to set the example to their Junior Brethren, who, like all the rest of mankind, soon get enamoured of power, and are not slow to imitate that sort of conduct in their Seniors, which, its possession, they imagine, authorises and justifies. To a discreet and moderate exercise of their privileges there can be no objection, but that unfair and wanton abuse of those privileges, which but too frequently takes place in our Courts of Law, is as unwise as it is unjust and illiberal, and will never be countenanced by the candid and unprejudiced part of mankind.





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